

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JONATHAN RIVERA-PIEROLA,

Plaintiff,

-vs-

No. 5:21-cv-00616-PRW

BOARD OF REGENTS FOR THE
OKLAHOMA AGRICULTURAL AND
MECHANICAL COLLEGES; STATE
OF OKLAHOMA ex rel. OKLAHOMA
STATE UNIVERSITY; and ST.
MATTHEWS UNIVERSITY, INC.,

Defendants.

CERTIFIED COPY

DEPOSITION OF JONATHAN RIVERA-PIEROLA

TAKEN ON BEHALF OF THE DEFENDANTS

IN OKLAHOMA CITY, OKLAHOMA

ON APRIL 26, 2023

REPORTED BY: ELIZABETH J. CAMPBELL, CSR #162, RPR

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<p>Page 6</p> <p>1 S T I P U L A T I O N S</p> <p>2 IT IS HEREBY STIPULATED AND AGREED BY and</p> <p>3 between the parties hereto, through their respective</p> <p>4 attorneys, that the deposition of JONATHAN</p> <p>5 RIVERA-PIEROLA may be taken on behalf of the</p> <p>6 Defendants on April 26, 2023, in Oklahoma City,</p> <p>7 Oklahoma, by Elizabeth J. Campbell, a Certified</p> <p>8 Shorthand Reporter for the State of Oklahoma,</p> <p>9 pursuant to Notice and Agreement and in accordance</p> <p>10 with the Federal Rules of Civil Procedure.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED BY and</p> <p>12 between the parties hereto, through their respective</p> <p>13 attorneys, that all objections, except as to the</p> <p>14 form of the question and responsiveness of the</p> <p>15 answer, are reserved until the time of trial, at</p> <p>16 which time they may be made with the same force and</p> <p>17 effect as if made at the time of the taking of this</p> <p>18 deposition.</p> <p>19 * * * * *</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 8</p> <p>1 A No. First time.</p> <p>2 Q Okay. I bet your attorney has talked to you</p> <p>3 a little bit about what to expect.</p> <p>4 A Yes.</p> <p>5 Q I'm going to kind of just brief you on what</p> <p>6 I think we should expect so we're kind of playing with</p> <p>7 the same rules today and you kind of know what to</p> <p>8 expect.</p> <p>9 Okay?</p> <p>10 A Sure.</p> <p>11 Q First and foremost, we will take breaks</p> <p>12 whenever you need to. This is not a marathon where</p> <p>13 you have to make it through. If you need a break at</p> <p>14 any point, please let me know.</p> <p>15 A Sure will. Yes.</p> <p>16 Q The only rule to that is if I've asked you a</p> <p>17 question I would ask that you answer it before we take</p> <p>18 that break. That's the only rule I have with regard</p> <p>19 to breaks.</p> <p>20 Okay?</p> <p>21 A Okay.</p> <p>22 Q As you heard earlier, we're going to plan to</p> <p>23 order lunch in. If you start feeling like you need</p> <p>24 food or whatever, my guess is it will be here around</p> <p>25 noon but we'll just kind of work around that, see</p>
<p>Page 7</p> <p>1 JONATHAN RIVERA-PIEROLA,</p> <p>2 being first duly sworn, deposes and says in reply to</p> <p>3 the questions propounded as follows</p> <p>4 * * * * *</p> <p>5 (Proceedings commenced at 9:58)</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY MR. PRATT:</p> <p>8 Q Will you state your full name for the</p> <p>9 record.</p> <p>10 A Sure. My full name is Jonathan Andrew</p> <p>11 Rivera-Pierola.</p> <p>12 Q What would you prefer I call you as we talk</p> <p>13 to each other today? I would normally call you</p> <p>14 Mr. Rivera-Pierola.</p> <p>15 A Sure.</p> <p>16 Q Or I can call you Jon or Jonathan, whatever</p> <p>17 you prefer.</p> <p>18 A Jonathan is fine.</p> <p>19 Q Okay. My name is Clint Pratt. I'm</p> <p>20 Associate General Counsel for the Board of Regents. I</p> <p>21 represent the Board and I represent the institutions</p> <p>22 that the Board governs. In this case that's Oklahoma</p> <p>23 State University.</p> <p>24 A Okay.</p> <p>25 Q Have you ever been deposed before?</p>	<p>Page 9</p> <p>1 where we are in terms of how the deposition is falling</p> <p>2 and then we'll go from there.</p> <p>3 A Okay.</p> <p>4 Q As you may know or have noted, the court</p> <p>5 reporter is here. She's taking down everything that</p> <p>6 we are saying so that there will be a transcript at</p> <p>7 the end that we can review and use for evidence or</p> <p>8 something that we can at least go back to see what we</p> <p>9 talked about today.</p> <p>10 A Okay.</p> <p>11 Q That being said, we want to make sure that</p> <p>12 the record is clear. To do that, we have to abide by</p> <p>13 a few rules. I myself have to be reminded of this at</p> <p>14 times. We want to try to not talk too quickly. It</p> <p>15 makes it hard for her to type. She's probably already</p> <p>16 saying, would you listen to your own rule. It's a</p> <p>17 tendency I have. I talk too fast. We want to try to</p> <p>18 not talk over one another.</p> <p>19 A Yes.</p> <p>20 Q We want to make sure she can hear what we're</p> <p>21 saying and not trying to type down while we're</p> <p>22 interrupting one another. Sometimes that just happens</p> <p>23 and that's okay. But let's try to avoid that. I'll</p> <p>24 try to avoid it when I ask a question and I'll try to</p> <p>25 wait until you give a full response. And same for me,</p>

<p style="text-align: right;">Page 10</p> <p>1 if you let me ask my full question before you start to</p> <p>2 respond.</p> <p>3 Okay?</p> <p>4 A Sure.</p> <p>5 Q First probably key rule here that you've</p> <p>6 probably already been told is with her trying to take</p> <p>7 down a record, uh-huh, huh-uh, those types of things,</p> <p>8 they're hard to get down.</p> <p>9 A All right.</p> <p>10 Q Same with nonverbal communication, head</p> <p>11 nods, shaking your head, those are hard. So if I ask</p> <p>12 you, if you do shake your head or something, and I</p> <p>13 say, is that a yes or is that a no, that's not me</p> <p>14 being rude to you, that's just me trying to make</p> <p>15 sure --</p> <p>16 A She understands.</p> <p>17 Q -- she can get the record.</p> <p>18 Okay?</p> <p>19 A I understand.</p> <p>20 Q I guarantee you I will ask multiple poorly</p> <p>21 worded questions. It's going to happen.</p> <p>22 A Okay.</p> <p>23 Q There's no problem with you telling me, can</p> <p>24 you please restate that or I don't understand. We'll</p> <p>25 make sure that I'm asking you questions that you fully</p>	<p style="text-align: right;">Page 12</p> <p>1 know you a little bit.</p> <p>2 A Sure.</p> <p>3 Q How old are you?</p> <p>4 A I'm 37 years old.</p> <p>5 Q Okay. Are you married?</p> <p>6 A No. Single.</p> <p>7 Q Have you ever been married?</p> <p>8 A No.</p> <p>9 Q Do you have any children?</p> <p>10 A No.</p> <p>11 Q Where do you currently reside?</p> <p>12 A Currently reside in West Palm Beach,</p> <p>13 Florida.</p> <p>14 Q What's your address?</p> <p>15 A 732 Ibis Way, North Palm Beach. Actually,</p> <p>16 it's North Palm Beach, excuse me, North Palm Beach,</p> <p>17 Florida, 33408. The big city is in West Palm Beach,</p> <p>18 so.</p> <p>19 Q Do you live alone?</p> <p>20 A No. I live with my family, my parents right</p> <p>21 now.</p> <p>22 Q Okay. How long have you lived there?</p> <p>23 A I've lived there, whew, probably a little</p> <p>24 over 20 years now. Yeah.</p> <p>25 Q Okay.</p>
<p style="text-align: right;">Page 11</p> <p>1 understand and can fully respond to. I'm not playing</p> <p>2 a game of trying to trick you or ask things that you</p> <p>3 don't understand.</p> <p>4 A Sure.</p> <p>5 Q I want to make sure that we're on the same</p> <p>6 page when I ask a question.</p> <p>7 Okay?</p> <p>8 A Sounds good.</p> <p>9 Q Additionally, as we move forward today your</p> <p>10 attorney may object to some of the questions I ask.</p> <p>11 Okay. And that's fine. That's part of him making his</p> <p>12 announcement for the record.</p> <p>13 Unless he instructs you specifically to not</p> <p>14 answer the question after he objects, you will go</p> <p>15 ahead and answer the question.</p> <p>16 Now, oftentimes that kind of messes with you</p> <p>17 and you may need me to repeat the question and that's</p> <p>18 fine but just know that just because he objects,</p> <p>19 that's something that we would expect to hear during a</p> <p>20 deposition and it doesn't mean you don't answer the</p> <p>21 question.</p> <p>22 Okay?</p> <p>23 A Okay.</p> <p>24 Q All right. I think we're good to go. We'll</p> <p>25 kind of get started with I would just like to get to</p>	<p style="text-align: right;">Page 13</p> <p>1 A It's been quite awhile.</p> <p>2 Q Who all lives there with you?</p> <p>3 A Currently my mother and my father live there</p> <p>4 right now.</p> <p>5 Q Okay. So just the three of you?</p> <p>6 A Yes. Correct.</p> <p>7 Q Are you currently employed?</p> <p>8 A Yes. I am working with my father in the</p> <p>9 veterinary clinic as a veterinary assistant.</p> <p>10 Q Okay. I want to talk a little bit about</p> <p>11 that.</p> <p>12 So who is your employer?</p> <p>13 A My father.</p> <p>14 Q Father?</p> <p>15 A Yes.</p> <p>16 Q Does he own the veterinary clinic?</p> <p>17 A Yes, he does.</p> <p>18 Q What's the name of the veterinary clinic?</p> <p>19 A West Gate Animal Hospital.</p> <p>20 Q Okay. How many veterinarians work there?</p> <p>21 A Just him.</p> <p>22 Q Okay. What did you say your title is?</p> <p>23 A Veterinary assistant.</p> <p>24 Q How many veterinary assistants work there?</p> <p>25 A Just me.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q Okay. Can you give me a total number, and 2 this is an approximation, a total number of employees 3 at the vet clinic? 4 A Sure. There's about three others. We have 5 a technician. We have two receptionists and -- 6 actually, that's it right now. We had a groomer but 7 she left about a year ago, so. 8 Q Okay. So the veterinary technician, what 9 are the roles and responsibilities for that position? 10 A Sure. So for the veterinary technician 11 responsibilities, they usually are restraining 12 animals. They are doing -- they can do small 13 procedures but usually they -- those involve like 14 things in the lab, things like take samples, things 15 like that, nothing too -- that the vet -- that the vet 16 should do instead. Clean kennels, helping with 17 surgeries I guess sometimes in surgeries. 18 Sometimes in surgeries they're assisting 19 with checking the anesthesia machine with the 20 veterinarian there, helping while he's doing surgery. 21 They are sterilizing equipment. They're just doing 22 mostly the stuff like that involves to help the 23 veterinarian in some way where when their hands are 24 full situation. 25 Q What type of training or education do they</p>	<p style="text-align: right;">Page 16</p> <p>1 the surgery list, what's for today, procedures or any 2 procedures that need to be done. From there I'm also 3 looking at appointments, what appointments are there 4 for today. 5 Every appointment on there, helping 6 animals -- when the technician is not available, when 7 he's in another -- maybe cutting nails or something 8 with another patient in another room, I'm there to 9 restrain the animal, doing the things that he does but 10 plus I'm also able to do procedures with the 11 veterinarian there as well in place, attending there. 12 Those are involving procedures where that 13 the tech cannot do, I guess, certain things and that 14 also involves me actually performing surgery. 15 Q So am I correct then, if I was to create a 16 tier system, who can do the amount of things in the 17 vet clinic, the vet tech would be at the bottom of 18 that tier, then you as a veterinary assistant. 19 A This is not including receptionist. Sorry. 20 Q Correct. I'm sorry. 21 A No problem. 22 Q And then the veterinarian? 23 A Correct. Yes. 24 Q So there would be some overlap between your 25 job as a veterinary assistant and the vet tech?</p>
<p style="text-align: right;">Page 15</p> <p>1 typically have for that role, do you know? 2 A They usually do an RVT. So they usually 3 do -- it's not always the case. It's not required. 4 But in that case, they usually require I think two or 5 three years of experience. 6 They usually go to a technical school for 7 that now. But it is not required for you to have that 8 education for you to work there. It usually just 9 deals with experience over time. They learn what they 10 need to do with the veterinarian or experience from 11 the past. 12 Q So what duties or responsibilities do you 13 have as the veterinary assistant? 14 A As a veterinary assistant, I am there to do 15 what he can do but I'm also there to also assist in 16 the surgeries. I'm actually doing surgeries with the 17 veterinarian in place there as well, my father. 18 Q When you say "do what he can do," are you 19 referring to the vet tech or the veterinarian stuff? 20 A The veterinarian, yes. 21 Q Okay. Give me a day-to-day idea of what 22 your day looks like at the vet clinic. 23 A Sure. So as I enter the vet clinic, I 24 usually look at the surgeries for today. That's 25 usually the first thing I usually do. I'll look at</p>	<p style="text-align: right;">Page 17</p> <p>1 A Yes. It can happen, yeah. 2 Q And there would be some overlap in duties 3 and responsibilities for you as the veterinary 4 assistant and the veterinarian? 5 A Correct. Yes. 6 Q How long have you worked there? 7 A I've been -- I've worked there for -- since 8 I was in -- since I was 15, 14. I've been in this 9 clinic like when I was younger but actually working 10 there. Started working there when I was like about 11 15, 16, like during high school. 12 Q Okay. 13 A So, yeah. 14 Q Okay. And then you left to go to college? 15 A Yes. 16 Q We'll come back to that. 17 A Sure. 18 Q Throughout your life you've worked there 19 since you were 15 but with breaks? 20 A Correct. 21 Q In the most recent stretch that you've been 22 working there as a veterinary assistant, how long have 23 you been there? 24 A Sorry. Can you repeat the question? 25 Q Yes. So clearly you went to college, went</p>

<p style="text-align: right;">Page 18</p> <p>1 to vet school and at some point you came back and</p> <p>2 started to work at the vet clinic.</p> <p>3 Has that been an uninterrupted stretch of</p> <p>4 working since you've been back at the vet clinic?</p> <p>5 A That's correct, yes.</p> <p>6 Q When did that start?</p> <p>7 A After vet -- after I was dismissed from vet</p> <p>8 school in Oklahoma, I worked there since April 2020,</p> <p>9 so that's when I was dismissed. So I've been working</p> <p>10 there since with no interruptions.</p> <p>11 Q How many hours do you work a week?</p> <p>12 A 40 hours a week.</p> <p>13 Q What's your annual salary?</p> <p>14 A My annual salary is only -- right now I</p> <p>15 think about 24,000. Yeah.</p> <p>16 Q Okay. Are there benefits associated with</p> <p>17 the position?</p> <p>18 A No.</p> <p>19 Q No insurance?</p> <p>20 A Well, the insurance, yes. Actually, my auto</p> <p>21 insurance is paid so, yes. Just auto insurance</p> <p>22 mostly.</p> <p>23 Q No health insurance?</p> <p>24 A Health insurance is paid by -- in my</p> <p>25 situation, by the government because of my annual</p>	<p style="text-align: right;">Page 20</p> <p>1 A Sure. Yes.</p> <p>2 Q But I meant any professional training</p> <p>3 outside of the veterinary clinic.</p> <p>4 A Besides going to veterinary school or going</p> <p>5 through things I've learned, no, besides that.</p> <p>6 Q I think you may have kind of already</p> <p>7 answered this but my intention was to ask you where</p> <p>8 you were employed prior to being employed by the</p> <p>9 veterinary clinic.</p> <p>10 Have you had any other employers from the</p> <p>11 time you were 15 till now other than the veterinary</p> <p>12 clinic?</p> <p>13 A Besides volunteering, no.</p> <p>14 Q Okay.</p> <p>15 A Because I volunteered mostly at other vet</p> <p>16 clinics.</p> <p>17 Q When did you do that?</p> <p>18 A I did those prior to going to vet school, so</p> <p>19 that was before 2017 so about 20 -- 2013 to 2015 I was</p> <p>20 volunteering at other veterinary clinics to get other</p> <p>21 experience.</p> <p>22 Q In the area that you reside?</p> <p>23 A Yes.</p> <p>24 Q Can you give me the names of those clinics?</p> <p>25 A Sure. There was Woodhaven was a big one.</p>
<p style="text-align: right;">Page 19</p> <p>1 salary.</p> <p>2 Q Do you have any other sources of income?</p> <p>3 A I do. When it's needed, I do. My family</p> <p>4 does help me in that situation, so.</p> <p>5 Q Okay.</p> <p>6 A When it's needed.</p> <p>7 Q Did you file a tax return last year?</p> <p>8 A I did.</p> <p>9 Q Do you recall how much income you claimed?</p> <p>10 A It's still processing right now but I did --</p> <p>11 I don't know off the top of my head personally but I</p> <p>12 can get that if needed.</p> <p>13 Q Would it be at or around the 22 or 24, what</p> <p>14 your annual salary from the vet clinic is or would it</p> <p>15 be more than that?</p> <p>16 A It should be around there, in that vicinity.</p> <p>17 Q In your position as a veterinary assistant,</p> <p>18 are you required to maintain any licenses?</p> <p>19 A No.</p> <p>20 Q Do you undergo any training?</p> <p>21 A Besides the training I went to vet school,</p> <p>22 no.</p> <p>23 Q It's a poorly worded question and also I</p> <p>24 would assume you're training each day as you're</p> <p>25 learning.</p>	<p style="text-align: right;">Page 21</p> <p>1 Woodhaven Animal Clinic in Forest Hill, Florida. I</p> <p>2 was there summers when I wasn't -- when I wasn't in</p> <p>3 school because I was still in college. I was doing a</p> <p>4 masters, I believe, at the time I was volunteering</p> <p>5 there.</p> <p>6 I did a masters of public health there</p> <p>7 online, so I was able -- times I would work there</p> <p>8 during the summer when I was off.</p> <p>9 Q Okay. Where did you attend high school?</p> <p>10 A Palm Beach Gardens High School.</p> <p>11 Q What year did you graduate from high school?</p> <p>12 A 2004.</p> <p>13 Q Did you attend college immediately after</p> <p>14 graduation from high school or did you take some time</p> <p>15 off?</p> <p>16 A No. I went immediately to -- I went to</p> <p>17 University of Central Florida.</p> <p>18 Q Okay. What did you major in?</p> <p>19 A I majored in -- this is a time when I was</p> <p>20 like managing. I went from -- I started off as</p> <p>21 biology and then I chose to switch to chemistry but</p> <p>22 then I went back to biology.</p> <p>23 It was just like a time where I was figuring</p> <p>24 out mid year what I wanted to do --</p> <p>25 Q That's understandable.</p>

<p style="text-align: right;">Page 22</p> <p>1 A -- as a freshman so, yes.</p> <p>2 Q Did you apply to go to any other</p> <p>3 undergraduate schools?</p> <p>4 A I did. I felt that -- I went to University</p> <p>5 of Central Florida about like 2005 to 2008 and then I</p> <p>6 went to -- I went back home for community college</p> <p>7 because I felt there was not many courses I needed</p> <p>8 because I was thinking about going to vet school then.</p> <p>9 I chose to transfer from my community</p> <p>10 college that was close to where I lived. I did there</p> <p>11 for two years and then I got my AS degree which is</p> <p>12 applied science degree, and I went to apply to</p> <p>13 Louisiana State University and I did animal science</p> <p>14 there.</p> <p>15 Q Okay. So high school, then University of</p> <p>16 Central Florida?</p> <p>17 A Correct.</p> <p>18 Q How long did you attend there?</p> <p>19 A I attended there about two years, a little</p> <p>20 over two years.</p> <p>21 Q Okay. Then a transfer to a community</p> <p>22 college close to home?</p> <p>23 A Yes. Correct. Palm Beach State College.</p> <p>24 Q Okay. Upon completion of your degree</p> <p>25 there -- two-year degree?</p>	<p style="text-align: right;">Page 24</p> <p>1 chose -- it's very -- and I guess in that aspect it's</p> <p>2 very important, infectious diseases, zoonotic diseases</p> <p>3 with veterinary so I chose that degree because I was</p> <p>4 very interested in that subject. So I chose to do</p> <p>5 that to be more competitive, to apply at more</p> <p>6 veterinary schools there.</p> <p>7 Q It's fair to say you were boosting your</p> <p>8 resume?</p> <p>9 A Yes.</p> <p>10 Q Okay.</p> <p>11 A Exactly.</p> <p>12 Q Did you obtain your masters?</p> <p>13 A I did.</p> <p>14 Q And that was also at LSU?</p> <p>15 A No. This was at Capella University. I did</p> <p>16 it online.</p> <p>17 Q I'm sorry. Say that again.</p> <p>18 A Capella University. I did it online.</p> <p>19 Q Okay.</p> <p>20 A Masters.</p> <p>21 Q Where did you live while doing your online</p> <p>22 degree?</p> <p>23 A Same address, at home.</p> <p>24 Q At home?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 23</p> <p>1 A Yes.</p> <p>2 Q You then transferred to Louisiana State</p> <p>3 University?</p> <p>4 A Yes.</p> <p>5 Q Okay. What did you major in once you got to</p> <p>6 LSU?</p> <p>7 A Animal Science, I majored there.</p> <p>8 Q Okay. Did you graduate from LSU?</p> <p>9 A I did.</p> <p>10 Q Degree in animal science?</p> <p>11 A That's right.</p> <p>12 Q What did you do upon graduating from LSU?</p> <p>13 A After I graduated LSU, I was applying for</p> <p>14 veterinary schools and I was wait listed on a few.</p> <p>15 But in the meantime, I felt that I needed to be more</p> <p>16 competitive because it's very competitive at</p> <p>17 veterinary school to apply, so I chose to do a masters</p> <p>18 in public health.</p> <p>19 Q What was your plan with a masters in public</p> <p>20 health?</p> <p>21 A Well, the plan in masters of public health</p> <p>22 with veterinary school, it's very looked upon</p> <p>23 because -- so I chose that masters because I was</p> <p>24 interested in it as well. But there's a lot to do</p> <p>25 with infectious diseases and things so that's why I</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Did you work at the veterinary clinic at</p> <p>2 that time?</p> <p>3 A I did.</p> <p>4 Q Did you ultimately receive your masters?</p> <p>5 A I did, yes.</p> <p>6 Q Do you recall when?</p> <p>7 A 2016, I believe.</p> <p>8 Q Okay.</p> <p>9 A Yes.</p> <p>10 Q So once you now had boosted your resume and</p> <p>11 had your masters, what did you do from there?</p> <p>12 A I applied to more schools, and this is when</p> <p>13 I got -- I got an answer from St. Matthew's</p> <p>14 University.</p> <p>15 Q Okay.</p> <p>16 A That's when I chose to go there.</p> <p>17 Q All right. I jumped ahead of myself a</p> <p>18 little bit. I had a question I wanted to ask that I</p> <p>19 failed to ask.</p> <p>20 A Sure.</p> <p>21 Q So before you made the decision to get your</p> <p>22 masters, you mentioned that you had applied to some</p> <p>23 veterinary schools and had been wait listed?</p> <p>24 A Yes.</p> <p>25 Q Do you recall which veterinary schools you</p>

<p style="text-align: right;">Page 26</p> <p>1 applied to at that time?</p> <p>2 A Yes. I applied to multiple because they're</p> <p>3 competitive. I applied to about 11 schools. To</p> <p>4 remember them off the top of my head, it's quite hard.</p> <p>5 It's been a couple of years. I'm sorry. I know the</p> <p>6 ones -- are you asking the ones I got wait listed?</p> <p>7 Q I would like to know all of the schools that</p> <p>8 you applied to that you can recall.</p> <p>9 A Okay.</p> <p>10 Q And if you know what happened upon</p> <p>11 submitting your application, you can just tell me the</p> <p>12 status.</p> <p>13 A Sure. Okay. Let's see if I can remember</p> <p>14 all of them. Tufts University was one. University of</p> <p>15 Florida was another because the resident state there.</p> <p>16 Louisiana State University because I went there as an</p> <p>17 alumni. Mississippi State University, Oregon State</p> <p>18 University. I'm trying to remember. Let's see.</p> <p>19 Mizzou was another one. Wisconsin Madison University,</p> <p>20 University of Illinois Urbana-Champaign. Two more.</p> <p>21 Sorry. It's been quite awhile.</p> <p>22 Q Take your time.</p> <p>23 A Thank you. Colorado State University. I</p> <p>24 believe I did also California Davis. That's another</p> <p>25 one, so that should be 11.</p>	<p style="text-align: right;">Page 28</p> <p>1 just less than what I was before. I focused on the</p> <p>2 ones that were more, I guess -- yeah, I focused less</p> <p>3 now because I felt 11 was too broad for the things</p> <p>4 that they needed or the things that they wanted, I</p> <p>5 guess. Because I would ask for feedback from the</p> <p>6 applications just so I understand.</p> <p>7 Yeah, I think I went down to like five or</p> <p>8 six, I believe.</p> <p>9 Q Do you recall which schools?</p> <p>10 A I do recall a few of them. It's been</p> <p>11 quite -- I think applied at least two or three times</p> <p>12 in the cycle. St. Matthew's was one. Ross was</p> <p>13 another one. St. George, Oregon State again,</p> <p>14 Louisiana State as well. That's five. I think there</p> <p>15 was one or two more. That's -- that's what I remember</p> <p>16 so far. But, yeah, those five schools.</p> <p>17 Q If you think of any more while we're</p> <p>18 talking, just let us know.</p> <p>19 A Sure.</p> <p>20 Q Otherwise, that's fine.</p> <p>21 A No problem.</p> <p>22 Q I've heard you now say the second go round</p> <p>23 there were at least two schools stateside, right,</p> <p>24 within the United States and then Ross, St. Matthew's</p> <p>25 and I think you listed another that were -- are they</p>
<p style="text-align: right;">Page 27</p> <p>1 Q Okay.</p> <p>2 A Yeah. That's it.</p> <p>3 Q Which of those schools wait listed you?</p> <p>4 A At that time for the first cycle after my</p> <p>5 masters, I got wait listed by Oregon State University</p> <p>6 at the time, so.</p> <p>7 Q So one?</p> <p>8 A One for in the first cycle, yes. Correct.</p> <p>9 Q Do you recall what the status was with the</p> <p>10 other 10?</p> <p>11 A The status in the other 10 were that there</p> <p>12 was an application not available and one that</p> <p>13 strengthened my application a little more.</p> <p>14 Q So it's fair to say that of the 11, you were</p> <p>15 not admitted to any?</p> <p>16 A Yes.</p> <p>17 Q Which likely led to your decision to go</p> <p>18 ahead and get your masters to boost your resume?</p> <p>19 A Yes.</p> <p>20 Q So now fast forwarding, you now have your</p> <p>21 masters and you're applying to veterinary school</p> <p>22 again?</p> <p>23 A Correct.</p> <p>24 Q How many schools did you apply to this time?</p> <p>25 A This time I only applied for a few more,</p>	<p style="text-align: right;">Page 29</p> <p>1 all in the Caribbean?</p> <p>2 A Yes. It was Ross, St. Matthew's and</p> <p>3 St. George were in the Caribbean.</p> <p>4 Q St. George?</p> <p>5 A Yes.</p> <p>6 Q At the time that you applied, did you have a</p> <p>7 preference as to whether you would stay stateside or</p> <p>8 go to the Caribbean?</p> <p>9 A Preferably stateside. I mean, I think</p> <p>10 that's what everyone would like to be near home so,</p> <p>11 yeah. But at this point I felt, you know, I've</p> <p>12 already went through three cycles and I knew how</p> <p>13 competitive it was, so I chose to do the island</p> <p>14 schools as well, to add those.</p> <p>15 Q You mentioned that you often requested</p> <p>16 feedback from the universities to which you applied?</p> <p>17 A Yes.</p> <p>18 Q Did any schools provide you with feedback?</p> <p>19 A They did, yes.</p> <p>20 Q Do you recall any specific schools that</p> <p>21 provided feedback?</p> <p>22 A I don't recall. Sorry.</p> <p>23 Q Do you recall whether Oregon State provided</p> <p>24 feedback?</p> <p>25 A They did not. They just mentioned there was</p>

<p style="text-align: right;">Page 30</p> <p>1 a wait list involvement and they said that I was a</p> <p>2 candidate for out of state but the seats -- there</p> <p>3 wasn't many seats for out of state. They had this</p> <p>4 program for Oregon State where the neighboring states</p> <p>5 would have first priority and that and Hawaii, so that</p> <p>6 was -- that was the feedback they gave me around that,</p> <p>7 about the competitiveness of the out of state.</p> <p>8 So they said, just sit tight and we'll let</p> <p>9 you know if some things change.</p> <p>10 Q Did LSU provide you any feedback?</p> <p>11 A They did. And I actually spoke to someone</p> <p>12 at LSU regarding the admissions process for</p> <p>13 veterinary. They mentioned that since I was an</p> <p>14 out-of-state person, I was from Florida, so for me to</p> <p>15 get an in-state resident there, I had to have worked</p> <p>16 over a year or two there.</p> <p>17 At that point, I wasn't able to get that and</p> <p>18 then they said it was -- it was very hard for an</p> <p>19 out-of-state person to get a seat there at the time.</p> <p>20 They mentioned that, yeah. Unfortunately,</p> <p>21 since you're out of state, it's quite hard at this</p> <p>22 time for you to get into placement.</p> <p>23 Q Do you recall if you received feedback from</p> <p>24 any other stateside schools?</p> <p>25 A I don't recall, no.</p>	<p style="text-align: right;">Page 32</p> <p>1 affiliate agreements with stateside universities for</p> <p>2 their students to attend and participate in clinical</p> <p>3 rotations?</p> <p>4 A That's correct.</p> <p>5 Q No changes? That sounds accurate?</p> <p>6 A Sounds accurate, yes.</p> <p>7 Q When you graduate at the end of the clinical</p> <p>8 rotation cycle, who issues the degree?</p> <p>9 A The parent school which is the Caribbean</p> <p>10 school.</p> <p>11 Q Can you tell me what you believe the pros</p> <p>12 and cons -- or I can ask this differently. What are</p> <p>13 the benefits of going to one of these three schools in</p> <p>14 the Caribbean for veterinary school?</p> <p>15 A Sure. So one of the main benefits of going</p> <p>16 to school, I think I mentioned prior, about people who</p> <p>17 would like to be close to home. Because of that</p> <p>18 reason, I feel like -- well, I feel that's one of the</p> <p>19 reasons is people like to be in their home, especially</p> <p>20 in a very stressful situation such as veterinary</p> <p>21 school.</p> <p>22 Q Let me make sure.</p> <p>23 A Sure.</p> <p>24 Q Are you telling me pros of staying stateside</p> <p>25 to go to veterinary school?</p>
<p style="text-align: right;">Page 31</p> <p>1 Q Okay. I'm going to ask you to kind of --</p> <p>2 you'll probably need to correct me because I'm going</p> <p>3 to throw out a summary of what I kind of gathered in</p> <p>4 asking questions about how these veterinary programs</p> <p>5 in the Caribbean work.</p> <p>6 A Sure.</p> <p>7 Q I may be way off base.</p> <p>8 A Okay.</p> <p>9 Q Or I may have it pretty close. I'm not</p> <p>10 trying to suggest that this is how you would describe</p> <p>11 it but I want to know, get your feedback.</p> <p>12 Are you okay with that?</p> <p>13 A Sure.</p> <p>14 Q Okay. My understanding is that upon</p> <p>15 receiving a bachelor's degree, you may apply to a</p> <p>16 veterinary school at one of these three schools you've</p> <p>17 listed: Ross University, St. George University or St.</p> <p>18 Matthew's University.</p> <p>19 If you are admitted there, you would attend</p> <p>20 on-site at their location in the Caribbean to do a</p> <p>21 didactic portion or classwork portion of your</p> <p>22 veterinary education?</p> <p>23 A Yes. Correct.</p> <p>24 Q Upon completion of that portion of their</p> <p>25 program, each of those three universities would have</p>	<p style="text-align: right;">Page 33</p> <p>1 A Yes. Well, I'm trying to make a point about</p> <p>2 that the reason -- well, I'm going to lead to the</p> <p>3 pros.</p> <p>4 Q Okay. No. You're good.</p> <p>5 A The pro is that it is less competitive to</p> <p>6 get into a Caribbean school than it is to get into a</p> <p>7 state school, for that reason.</p> <p>8 Q I follow now.</p> <p>9 A Yes.</p> <p>10 Q The pro is that it's less competitive due to</p> <p>11 the desire of students to stay close to home?</p> <p>12 A Correct. Yes.</p> <p>13 Q Are there any other pros?</p> <p>14 A Yes. There's other pros regarding -- I know</p> <p>15 for many people it is like an adventurous situation.</p> <p>16 You're going to another country, to an island, which</p> <p>17 it sounds nice on paper and it is nice but there's</p> <p>18 times where you still have to study just as hard</p> <p>19 everything. So it is a different environment.</p> <p>20 For many people that live in, you know,</p> <p>21 harsh environments like back home, it's a nice change</p> <p>22 of pace. But you still -- it's still tough. It's</p> <p>23 not -- I'm still learning just as well I feel as the</p> <p>24 other -- at state schools in regards to knowledge and</p> <p>25 everything.</p>

<p style="text-align: right;">Page 34</p> <p>1 Other pros that I can think of -- those are 2 the ones that are on the top of my head right now. 3 But at that point that's -- yeah, those are really the 4 pros I can feel right now. 5 It is easier to get in. That's what helps 6 in that situation when you're -- and I went through 7 three cycles already, so that's why I chose to do 8 Caribbean schools at that point. 9 It was nice not having to wait so long to 10 get an answer and it was nice to hear back and get an 11 interview for the schools. 12 Q Can you tell me in your opinion what some of 13 the cons of attending one of these Caribbean 14 veterinary schools would be? 15 A Sure. One of the cons I would say is -- 16 well, in my situation same, of the three that I 17 mentioned, St. Matthew's is nonaccredited, so that 18 portrays that they are not looking over -- like the 19 AVMA standard is not looking over them in the 20 programs. So that could be a con, in my opinion. 21 Because when you go to an affiliate school, 22 they are accredited so they might have different 23 standards that you might have learned in your school. 24 That could be a situation. 25 Another con could be the facilities that</p>	<p style="text-align: right;">Page 36</p> <p>1 But in some cases it could be cheaper as well. In 2 some other cases it could be more expensive than 3 stateside. So, actually, I think it's more of a pro 4 in that aspect. 5 Q Okay. 6 A Yeah. 7 Q And in your situation, did you find tuition 8 and the cost of attending school, outside of the 9 living costs, that it was comparable or less expensive 10 than it would have been to go to school stateside? 11 A Stateside, I believe, would have been the 12 same price in Florida, if I remember correctly, so. 13 Q Had you gotten into Oregon State or LSU and 14 they had not given you in-state tuition, you're 15 telling me it would be more expensive to go to one of 16 those schools than it would be to go -- 17 A To St. Matthew's. 18 Q -- to St. Matthew's? 19 A Yes. 20 Q But that doesn't take into account the 21 living expense part of it? 22 A Yes. Correct. 23 Q Is that substantial? 24 A It's substantial. At least in Cayman 25 Islands, it's substantial.</p>
<p style="text-align: right;">Page 35</p> <p>1 they have at the school may not have up to par even 2 though they aren't maybe accredited. Like if I went 3 to St. George or Ross University, they're accredited 4 AVMA. However, the things that they have on island 5 could be not as up to par as they do in the stateside 6 schools. 7 Q Can you think of any other cons? 8 A Besides that, for some people living on 9 another island or another country could be a big 10 problem, so that might lead to the pro, the other one. 11 But for other people, some people cannot adapt to 12 living new standards, different standards, maybe 13 change of economy or change of, you know, the 14 environment, that could be a con. 15 I know in Cayman it was quite expensive so 16 it could be a con. 17 Q When you say "it was quite expensive," are 18 you talking about living costs? 19 A Yes. 20 Q What about tuition costs? Are those 21 comparable to stateside schools or is it more 22 expensive to go to one of the Caribbean schools? 23 A It's actually cheaper on some sides -- on 24 some ways. Other schools, if you're a resident, it's 25 nice. It's cheaper when you do your resident school.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q Did you apply to all three of the Caribbean 2 schools that we've been mentioned? 3 A I did, yes. 4 Q Do you recall the response that you received 5 with regard to your application to each of the three 6 schools? 7 A Yes. For St. George, I applied there before 8 I finished my masters at the time, and their feedback 9 was finish your masters and reapply again. 10 Ross, they offered me a pre-vet program 11 which they do where you do three months there as a 12 pre-vet and then they determine whether -- if you pass 13 those courses, you are determined whether or not you 14 can get into the actual school, vet school. 15 I chose not to do that and I applied to 16 St. Matthew's and I got an interview and that's when 17 they gave me the acceptance. 18 Q Do you know if St. George is accredited? 19 A St. George is accredited, yes. 20 Q What about Ross? 21 A Ross is also accredited. 22 Q So of the three, St. Matthew's is the only 23 Caribbean school that you're aware of that's 24 unaccredited? 25 A That's right, yes.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q So we kind of danced around it, but</p> <p>2 ultimately you applied to and were admitted to</p> <p>3 St. Matthew's University?</p> <p>4 A Yes.</p> <p>5 Q When did you begin your studies there?</p> <p>6 A Spring 2017.</p> <p>7 Q Can you describe for me how the program was</p> <p>8 structured while you were at St. Matthew's?</p> <p>9 A Yeah. Sure. It was involving seven</p> <p>10 semesters. This is the didactic portion that you</p> <p>11 mentioned earlier, so this is regarding every semester</p> <p>12 I would take courses, involved -- and it was the</p> <p>13 courses that they did the same in vet school, so they</p> <p>14 were very -- reflected the same program which was nice</p> <p>15 to see as a nonaccredited school. So they still</p> <p>16 followed what they needed to. And that included, you</p> <p>17 know, just like every other vet school, you have</p> <p>18 tests.</p> <p>19 You -- most of the tests were multiple</p> <p>20 choice. We had some, you know, like they called them</p> <p>21 OSCEs which are the oral exams that you perform, you</p> <p>22 know, certain procedures and surgeries as well.</p> <p>23 What else? I think that's pretty much how</p> <p>24 the program worked, seven semesters. Depending on the</p> <p>25 semester, I would have more courses than others, you</p>	<p style="text-align: right;">Page 40</p> <p>1 Urbana-Champaign, Oklahoma State University,</p> <p>2 Mississippi State University, Purdue University, North</p> <p>3 Carolina State University. I'm trying to remember.</p> <p>4 University of Minnesota, Washington State University.</p> <p>5 Let's see. Those are the ones I remember off the top</p> <p>6 of my head, seven.</p> <p>7 Q If I recall correctly, of the schools you</p> <p>8 just listed, at some time during your attempts to</p> <p>9 apply to schools stateside, you had applied to one of</p> <p>10 those previously which was the University of Illinois?</p> <p>11 A Uh-huh.</p> <p>12 Q Is that correct?</p> <p>13 A Yes.</p> <p>14 Q Were there any others that I missed? Did</p> <p>15 you apply to Mississippi State?</p> <p>16 A Yes, I did.</p> <p>17 Q Okay. So two?</p> <p>18 A Yes.</p> <p>19 Q So two of those?</p> <p>20 A Yes.</p> <p>21 Q Do you have any say as a student at</p> <p>22 St. Matthew's as to which affiliate institution you</p> <p>23 will attend should you complete the didactic portion</p> <p>24 of the program?</p> <p>25 A In regards to that, by six semester we chose</p>
<p style="text-align: right;">Page 39</p> <p>1 know, so. But it was the same structure like they</p> <p>2 would do in the U.S.</p> <p>3 Q When you applied to St. Matthew's, did you</p> <p>4 know at that time which university stateside were</p> <p>5 affiliated with its veterinary program?</p> <p>6 A I did. When I looked at their website and</p> <p>7 everything, I did see the list, yes, of the clinical</p> <p>8 schools.</p> <p>9 Q Do you recall how many schools were on that</p> <p>10 list?</p> <p>11 A I don't recall off the top of my head the</p> <p>12 number of schools. I just know a few of them, that</p> <p>13 came out of my head.</p> <p>14 Q Would it have been more or less than 10?</p> <p>15 A I would say it would be less than 10, yeah,</p> <p>16 at the time.</p> <p>17 Q More than five?</p> <p>18 A More than five, yes.</p> <p>19 Q Do you recall any of the schools that were</p> <p>20 on that list?</p> <p>21 A I do, yes.</p> <p>22 Q I know you mentioned that you don't recall</p> <p>23 them all but whichever ones you do recall, can you</p> <p>24 tell me who those were?</p> <p>25 A Sure. University of Illinois</p>	<p style="text-align: right;">Page 41</p> <p>1 our top three schools we would like to go to. Whether</p> <p>2 or not we get our top, our No. 1, it's not the case</p> <p>3 sometimes. We are given top three. We give it to the</p> <p>4 school.</p> <p>5 They speak to the schools and they choose</p> <p>6 whether -- you know, who gets what spot, I guess, that</p> <p>7 situation. So we choose our top three.</p> <p>8 Q Do you recall your top three?</p> <p>9 A I do. My top three were -- my No. 1 was</p> <p>10 OSU, so Oklahoma State University. The second one was</p> <p>11 University of Illinois Champaign Urbana. My third was</p> <p>12 Mississippi State University.</p> <p>13 Q What made you select Oklahoma State</p> <p>14 University as your No. 1 pick?</p> <p>15 A I heard about the program from other alumni</p> <p>16 there at St. Matthew's and I also had a lot of</p> <p>17 classmates that were going -- that already were there,</p> <p>18 upper classmates, the class above us. They were</p> <p>19 telling us how the program was, everything. They said</p> <p>20 it was okay. It was good, everything.</p> <p>21 I chose to go there with other classmates in</p> <p>22 my class as well. We felt that it was going to be a</p> <p>23 good program for what I wanted to do.</p> <p>24 Q You said that there were alumni? Did I hear</p> <p>25 you say that right, alumni that were either working at</p>

<p style="text-align: right;">Page 42</p> <p>1 or in the Caribbean that you were able to hear from?</p> <p>2 Did you say that?</p> <p>3 A Yes.</p> <p>4 Q What were they saying about the program?</p> <p>5 A They said good things and they said some --</p> <p>6 unfortunately, they said some issues as I was going</p> <p>7 there. When -- after I sent my -- after I sent my --</p> <p>8 I guess my application there or to choose my top</p> <p>9 three, I heard from alumni that went there, I guess,</p> <p>10 after.</p> <p>11 They come to speak, a few of them. One was</p> <p>12 from -- went to Oklahoma for their clinical here.</p> <p>13 They mentioned to me that the school was under</p> <p>14 probation, academic probation at the time.</p> <p>15 Q Was that news to you?</p> <p>16 A It was news to me, yes.</p> <p>17 Q Did you ever confirm whether that was</p> <p>18 accurate?</p> <p>19 A Yes.</p> <p>20 Q You did?</p> <p>21 A I did.</p> <p>22 Q How did you do so?</p> <p>23 A I looked on AVMA website and it did say it</p> <p>24 was status probation. I also looked at a website as</p> <p>25 well and AVMA did have a sub website and they</p>	<p style="text-align: right;">Page 44</p> <p>1 A I'm sorry. I'm personally saying about my</p> <p>2 class that I was in the semester. So what was</p> <p>3 different about St. Matthew's, I think just so you can</p> <p>4 understand, is that it was more -- what I liked about</p> <p>5 the school, I thought was a pro -- let's go back to</p> <p>6 the pro with that. The classes were smaller for</p> <p>7 St. Matthew's.</p> <p>8 I did enjoy that because I could go one on</p> <p>9 one with teachers, professors. I could speak to</p> <p>10 clinicians there. It was very like one on one which I</p> <p>11 really liked about that school for it.</p> <p>12 And in that case, because of that, the</p> <p>13 classes were smaller, like each class was small and I</p> <p>14 started only 14 and then we went down five. It's</p> <p>15 still difficult, I mean, still for that reason.</p> <p>16 Q To make sure I understand, I'm going to use</p> <p>17 an example of how school worked on my end.</p> <p>18 A Sure.</p> <p>19 Q When I was admitted to law school, I went to</p> <p>20 law school with an overall incoming class of</p> <p>21 approximately 120 people.</p> <p>22 A Yes.</p> <p>23 Q When we got to going to our courses, the</p> <p>24 first year they separated us into four separate</p> <p>25 sections of around 30 people apiece.</p>
<p style="text-align: right;">Page 43</p> <p>1 mentioned the violations that were done during that</p> <p>2 time.</p> <p>3 Q How would you describe your academic</p> <p>4 performance while you were at SMU?</p> <p>5 A I thought I did well. I mean, I felt, I</p> <p>6 mean, I was doing okay. I did well in regards to</p> <p>7 what -- how I was performing there over time.</p> <p>8 Q You said that there were seven semesters?</p> <p>9 A Correct. Yes. At St. Matthew's?</p> <p>10 Q Yes.</p> <p>11 A Yes.</p> <p>12 Q All of the courses you took during those</p> <p>13 semesters were didactic in nature?</p> <p>14 A Yes.</p> <p>15 Q How many individuals were in each class that</p> <p>16 you took?</p> <p>17 A Depending on -- every class size was</p> <p>18 different. In our case, I started with 14. By my</p> <p>19 third or fourth semester, we went down to five.</p> <p>20 Q Wow.</p> <p>21 A Yeah.</p> <p>22 Q When you say five, do you mean five students</p> <p>23 in the entire incoming class that was moving through</p> <p>24 the program or in each of your specific classes that</p> <p>25 you took?</p>	<p style="text-align: right;">Page 45</p> <p>1 A Right.</p> <p>2 Q We had all of those classes together, like</p> <p>3 we took all of our first year classes we took</p> <p>4 together. So the same 30 people were going to class</p> <p>5 together.</p> <p>6 A Right.</p> <p>7 Q But there were 120 of us total. It was like</p> <p>8 an incoming what they call 1L class.</p> <p>9 A Sorry. Excuse me. When you mentioned that</p> <p>10 that's -- are you mentioning your semester or the</p> <p>11 entire class of this year?</p> <p>12 Q For our incoming year, our first year of law</p> <p>13 school, those of us who had applied and been accepted,</p> <p>14 there were 120.</p> <p>15 A Total for the year?</p> <p>16 Q Of just for that year.</p> <p>17 A Okay.</p> <p>18 Q But we were broken into sections.</p> <p>19 A Based on spring, summer, fall?</p> <p>20 Q No. Based on arbitrary just these 30 go to</p> <p>21 this class, these 30 go to this, these 30.</p> <p>22 What I'm asking is: Did the 14 that</p> <p>23 dwindled to five when you got there, was that the</p> <p>24 entirety of your incoming class?</p> <p>25 A No. No, no, no.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q So your incoming class was much larger?</p> <p>2 A Yes, it was.</p> <p>3 Q But you had a group of approximately 14 that</p> <p>4 took classes together?</p> <p>5 A Yes. Sorry.</p> <p>6 Q So similar structure; right?</p> <p>7 A Yes. Similar structure just smaller, yeah.</p> <p>8 So that 14 was spring 2017, then there was a summer</p> <p>9 class of 2017 and then was a fall class of 2017.</p> <p>10 Understand?</p> <p>11 Q Yes.</p> <p>12 A If you're mentioning that all of those</p> <p>13 combined those three classes, that was the class of</p> <p>14 2020.</p> <p>15 Q Okay.</p> <p>16 A Yeah.</p> <p>17 Q It is a little different but I think I</p> <p>18 follow you.</p> <p>19 A Yes.</p> <p>20 Q So there were only 14 that came at the same</p> <p>21 time that you did?</p> <p>22 A Yes.</p> <p>23 Q But you kind of merged as a class with those</p> <p>24 who came at different times during that year?</p> <p>25 A Yes. Yes. We were still like a semester</p>	<p style="text-align: right;">Page 48</p> <p>1 Q If I tell you that I believe it means in</p> <p>2 progress, would that make sense?</p> <p>3 A Yes, it would.</p> <p>4 Q The date of the transcript at the top is</p> <p>5 June 19th of 2019. It appears that that was the</p> <p>6 summer 2019 semester. So I think you were enrolled in</p> <p>7 those classes at the time this transcript was</p> <p>8 provided.</p> <p>9 Would that be accurate?</p> <p>10 A Yes, it would be accurate.</p> <p>11 Q Okay. I asked you earlier if you had any</p> <p>12 recollection of any academic struggles or anything and</p> <p>13 you said you thought or at least you described your</p> <p>14 performance as being pretty good.</p> <p>15 A Yes.</p> <p>16 Q When I look at Spring 2017, Summer 2017,</p> <p>17 Fall 2017 Spring 2018, Summer 2018 and Fall of 2018,</p> <p>18 one, two, three, four, five, six semesters beginning</p> <p>19 with your first one there, it appears from what I'm</p> <p>20 seeing on the transcript as if you received at least</p> <p>21 one C minus in each of those semesters.</p> <p>22 In one instance you had two C minuses in a</p> <p>23 semester. That would have been in the summer of 2018.</p> <p>24 A Yes.</p> <p>25 Q And in the fall of 2018, it appears that you</p>
<p style="text-align: right;">Page 47</p> <p>1 ahead of each other, you know, from back and forth but</p> <p>2 those -- yeah, we as a whole were a class of 2020.</p> <p>3 Q Okay. All right.</p> <p>4 (Defendant's Exhibit 1 was marked for</p> <p>5 identification)</p> <p>6 Q (BY MR. PRATT) I am going to hand you what</p> <p>7 is marked as Defendant's Exhibit 1. Also, just so we</p> <p>8 don't have any confusion, this was produced in</p> <p>9 discovery as Board Document No. 2.</p> <p>10 A Okay.</p> <p>11 Q Can you describe for me what this document</p> <p>12 is?</p> <p>13 A Yes. This is my St. Matthew's University</p> <p>14 School of Veterinary Medicine Transcript of Academic</p> <p>15 Record.</p> <p>16 Q Does it appear to be accurate?</p> <p>17 A Yes. Besides the grades that I performed,</p> <p>18 the last three. They were IP but I did get grades for</p> <p>19 those.</p> <p>20 Q I noticed that. And that one threw me a</p> <p>21 little bit for a loop. I don't know if you know what</p> <p>22 IP means.</p> <p>23 A Sure.</p> <p>24 Q Do you know what it means?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 49</p> <p>1 received an F in a course.</p> <p>2 A Yes.</p> <p>3 Q Those are accurate?</p> <p>4 A Those are accurate.</p> <p>5 Q Would you agree with me that a C minus is</p> <p>6 below average?</p> <p>7 A Yes.</p> <p>8 Q Okay. So I just want to walk through the</p> <p>9 ones that it appears that you may have had some below</p> <p>10 average scores. In your first semester spring 2017,</p> <p>11 you made a C minus in Veterinary Anatomy I.</p> <p>12 A Yes.</p> <p>13 Q This probably makes some since. You made a</p> <p>14 C minus in the summer of 2017 in Veterinary Anatomy</p> <p>15 II.</p> <p>16 A Yes.</p> <p>17 Q It appears that that may have been an area</p> <p>18 of struggle; is that accurate?</p> <p>19 A Yes.</p> <p>20 Q Were you required to do any remedial work</p> <p>21 to raise those grades?</p> <p>22 A No. Because C is a passing grade.</p> <p>23 Q Okay. C minus is also a passing grade?</p> <p>24 A Yes, it is.</p> <p>25 Q In the fall of 2017, it looks like you had a</p>

<p style="text-align: right;">Page 50</p> <p>1 C minus in Veterinary Pathology I.</p> <p>2 A Yes.</p> <p>3 Q And Veterinary Virology?</p> <p>4 A That's a C plus.</p> <p>5 Q Is it?</p> <p>6 A Yes, it is.</p> <p>7 Q Okay. My copy it looks like a C minus.</p> <p>8 We'll go with a plus. I do see that Veterinary</p> <p>9 Clinical Skills I is a C plus down below.</p> <p>10 A Yes.</p> <p>11 Q But on my copy it looked as if those other</p> <p>12 two were C minus. We'll move on.</p> <p>13 Spring of 2018, Veterinary Pathology II, it</p> <p>14 appears that is a C minus; correct?</p> <p>15 A Correct. Yes.</p> <p>16 Q In the summer of 2018, you had Veterinary</p> <p>17 Anesthesiology and Principles of Veterinary Surgery</p> <p>18 and both of those you received a C minus; is that</p> <p>19 accurate?</p> <p>20 A Yes, that's accurate.</p> <p>21 Q Then it appears that your worst grade at the</p> <p>22 time you were there was in the fall of 2018 in the</p> <p>23 Veterinary Clinical Skills III and it appears that you</p> <p>24 received an F.</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q Okay.</p> <p>2 A That's all I recall.</p> <p>3 Q Were these grades consistent with your</p> <p>4 performance in undergraduate studies?</p> <p>5 A Depends on the course, I would say.</p> <p>6 Q Was your overall GPA in undergrad around a</p> <p>7 2.8 or would it have been higher?</p> <p>8 A It would have been actually -- I would say</p> <p>9 it would be kind of near the -- close to it, I guess,</p> <p>10 or maybe a little lower, little bit.</p> <p>11 Q So is it fair to say that this is a</p> <p>12 consistent representation of your academic studies to</p> <p>13 date?</p> <p>14 A I wouldn't say that, no.</p> <p>15 Q Okay.</p> <p>16 A It depends, I guess, based on what classes I</p> <p>17 took. I mentioned the semesters the coarse load was</p> <p>18 different. For example, my masters I got a 3.93 GPA,</p> <p>19 so it just really depended, I guess, what was going on</p> <p>20 or what kind of -- how the workload, everything was.</p> <p>21 Q Okay. And that's fair. I didn't ask you</p> <p>22 about your graduate work.</p> <p>23 A Yes. Sorry.</p> <p>24 Q You did well there, it sounds like?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q Were F's treated differently than your C</p> <p>2 minuses?</p> <p>3 A Yes, they were.</p> <p>4 Q How so?</p> <p>5 A Those I would have to repeat the course.</p> <p>6 Q Okay. So I noticed that in the spring of</p> <p>7 2019 it looked like you did retake that and received a</p> <p>8 C plus; is that accurate?</p> <p>9 A Yes, that's correct.</p> <p>10 Q Okay. Can you tell me what your overall</p> <p>11 GPA -- it's listed there, can you tell me what that</p> <p>12 was?</p> <p>13 A Sure. 2.8.</p> <p>14 Q Okay.</p> <p>15 A That's not including the in-progress scores.</p> <p>16 Q Correct.</p> <p>17 A Correct.</p> <p>18 Q Do you know, did that GPA increase after you</p> <p>19 received the grades in the in-progress courses?</p> <p>20 A Yes, it did.</p> <p>21 Q Did you know what it was at the time of your</p> <p>22 graduation?</p> <p>23 A I do not recall exactly a number but I know</p> <p>24 it raised over 2. -- yeah, I don't know the exact</p> <p>25 number. I know that it did increase over 2.8 though.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q Exceptionally well is what it sounds like.</p> <p>2 A Yes. Cum laude.</p> <p>3 Q But the transcript we see here from</p> <p>4 St. Matthew's is relatively consistent with what we</p> <p>5 would see from your undergraduate studies?</p> <p>6 A Like I mentioned, it depended. I did get --</p> <p>7 in semesters there were higher scores in some areas.</p> <p>8 Q But overall GPA wise?</p> <p>9 A Overall GP, might have been a little lower.</p> <p>10 Q Okay.</p> <p>11 A Maybe a little lower. Not too bad.</p> <p>12 Q At what point in your studies at</p> <p>13 St. Matthew's were you made aware which affiliate</p> <p>14 institution you would be allowed to attend?</p> <p>15 A Honestly, no, they did not. They did not</p> <p>16 mention, based on GPA standards, there was no GPA</p> <p>17 standards of like who you could choose.</p> <p>18 Q I asked a very bad question. I apologize.</p> <p>19 A Because we went from GPA ---</p> <p>20 Q We did. We did. I'm moving to a different</p> <p>21 area now. I'm done with the GPA talk.</p> <p>22 A Okay.</p> <p>23 Q No, no. It's my fault. So now I want to</p> <p>24 move to: So you're at St. Matthew's?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q You clearly have classes still in progress?</p> <p>2 A Yes, I do.</p> <p>3 Q But you've submitted this material to the</p> <p>4 school?</p> <p>5 A Yes.</p> <p>6 Q At what point are you in your studies at</p> <p>7 St. Matthew's when you become aware of which</p> <p>8 affiliate institution you'll be attending?</p> <p>9 A Sure. So by fifth semester we choose the</p> <p>10 top three schools that we want to go to. By sixth</p> <p>11 semester we get the answer, like mid/late of the</p> <p>12 semester we get an answer from the school of where</p> <p>13 we're going to.</p> <p>14 Q So you know before completing the didactic</p> <p>15 portion where you're going to go?</p> <p>16 A Yes.</p> <p>17 Q It sounds like you know even maybe two</p> <p>18 semesters in advance where you're going to end up.</p> <p>19 Is that accurate?</p> <p>20 A Yes, that's accurate.</p> <p>21 Q How much time was there between the time</p> <p>22 you completed your didactic studies at St. Matthew's</p> <p>23 and you began working or your education as a resident</p> <p>24 in the OSU College Veterinary Medicine program?</p> <p>25 A Less than a month.</p>	<p style="text-align: right;">Page 56</p> <p>1 few minutes.</p> <p>2 (Recess taken from 11:00 to 11:06)</p> <p>3 Q (BY MR. PRATT) All right. We were</p> <p>4 transitioning, when we took a break, to your time at</p> <p>5 Oklahoma State University.</p> <p>6 Before we jumped into the structure of the</p> <p>7 program there, I just kind of wanted to get some</p> <p>8 background information in terms of like your</p> <p>9 familiarity with Stillwater.</p> <p>10 Had you been to Stillwater prior to coming</p> <p>11 there for school?</p> <p>12 A No. First time.</p> <p>13 Q Did you live on campus?</p> <p>14 A No. I lived off campus.</p> <p>15 Q Did you live in an apartment?</p> <p>16 A I did, yes.</p> <p>17 Q Did you live alone or did you have a</p> <p>18 roommate?</p> <p>19 A No. I lived alone.</p> <p>20 Q In your words, can you describe how the</p> <p>21 clinical rotations at the OSU College of Veterinary</p> <p>22 Medicine structured?</p> <p>23 A Sure. Each of the rotations were different</p> <p>24 structures based on what subject they were, what</p> <p>25 rotation. But most of the -- depending -- actually,</p>
<p style="text-align: right;">Page 55</p> <p>1 Q That's a lot to do in a month.</p> <p>2 A Yeah, it was.</p> <p>3 Q Can you talk me through that process?</p> <p>4 A Sure. So of August 2019 I graduated from</p> <p>5 St. Matthew's or not fully graduated but we white coat</p> <p>6 ceremony. So we put our white coats on and that's</p> <p>7 where they sent us off to clinics, like a final</p> <p>8 goodbye.</p> <p>9 By September of 2017, that's when I was</p> <p>10 admitted to Oklahoma State -- excuse me, 2019.</p> <p>11 Q I think you've already addressed this but</p> <p>12 were any of your classmates from St. Matthew's in your</p> <p>13 incoming class as a resident for the OSU Veterinary</p> <p>14 Medicine program?</p> <p>15 A Yes.</p> <p>16 Q Do you recall how many?</p> <p>17 A In my class there was two others.</p> <p>18 Q Okay. People that you knew?</p> <p>19 A Yes.</p> <p>20 Q Do you want to take a break for a minute?</p> <p>21 We don't have to but I'm getting ready to kind of</p> <p>22 shift gears for a little bit and if you wanted a break</p> <p>23 then fine or we can just power through.</p> <p>24 A Yeah, sure.</p> <p>25 MR. PRATT: We'll go off the record for a</p>	<p style="text-align: right;">Page 57</p> <p>1 to be honest, they were all quite different depending</p> <p>2 on which one we were doing so that's -- yeah.</p> <p>3 Q That's fair.</p> <p>4 As a general program, you have now arrived</p> <p>5 to do clinical studies versus the didactic studies you</p> <p>6 did at St. Matthew's?</p> <p>7 A Yes.</p> <p>8 Q Is it fair to say that this was to be a more</p> <p>9 hands on type of education?</p> <p>10 A Yes.</p> <p>11 Q Okay. Do you recall the length of the</p> <p>12 rotations?</p> <p>13 A Yes. Three weeks.</p> <p>14 Q Okay. So every rotation was three weeks?</p> <p>15 A Yes.</p> <p>16 Q Is it accurate then to say that every three</p> <p>17 weeks you were transitioning to a new area of study?</p> <p>18 A Yes.</p> <p>19 Q A new area of veterinary medicine?</p> <p>20 A Yes.</p> <p>21 Q Each rotation had a different instructor?</p> <p>22 A Yes.</p> <p>23 Q Did you receive grades for each rotation?</p> <p>24 A Yes.</p> <p>25 Q Did each rotation have its own syllabus?</p>

<p>Page 58</p> <p>1 A Yes.</p> <p>2 Q Did each rotation have its own grading</p> <p>3 rubric?</p> <p>4 A Yes.</p> <p>5 Q Were you working with instructors during the</p> <p>6 time that you were in the rotation?</p> <p>7 A Define "working".</p> <p>8 Q Were instructors with you at all times as</p> <p>9 you were participating in the rotation?</p> <p>10 A Not all the time, no.</p> <p>11 Q Did they give you feedback about the work</p> <p>12 that you did?</p> <p>13 A Not all the time, no.</p> <p>14 Q On occasion?</p> <p>15 A On occasion, depending on, yeah, the</p> <p>16 rotation.</p> <p>17 Q At the end of the rotation, would you</p> <p>18 receive evaluations?</p> <p>19 A Yes.</p> <p>20 Q Other than at the end of the rotation, were</p> <p>21 you receiving any evaluations from your instructors?</p> <p>22 A Depending on the rotation, yes or no.</p> <p>23 Q Okay. As you participated in your</p> <p>24 rotations, was it apparent to you that some of the</p> <p>25 residents were further along in their training than</p>	<p>Page 60</p> <p>1 Q You're right. I had another case recently</p> <p>2 in which I was dealing with a resident.</p> <p>3 You were a veterinary student.</p> <p>4 A That's correct, yes.</p> <p>5 Q Okay. You would not be a resident until</p> <p>6 further in the process?</p> <p>7 A Yes. This is after I had done an internship</p> <p>8 which is a one-year thing and then I would have to go</p> <p>9 to -- then I would go to a residency and be a</p> <p>10 resident.</p> <p>11 Q Great. Thank you for catching that. I</p> <p>12 didn't mean there to be any confusion. I want to go</p> <p>13 back then.</p> <p>14 A Okay.</p> <p>15 Q As you were doing rotations as a veterinary</p> <p>16 student, did you notice any of the students who were</p> <p>17 struggling with the clinical practice?</p> <p>18 A There were a few, yes.</p> <p>19 Q Did you notice any students that were</p> <p>20 exceptional at the clinical practice?</p> <p>21 A As students being exceptional, I did not see</p> <p>22 that, no.</p> <p>23 Q Okay. On a spectrum of I guess the majority</p> <p>24 of the students being just average and the few that</p> <p>25 you noticed that maybe were being below average, where</p>
<p>Page 59</p> <p>1 others?</p> <p>2 A I couldn't tell other than word of mouth</p> <p>3 that they were in their program long enough. So, no,</p> <p>4 I couldn't tell. No.</p> <p>5 Q So from your perception, each of the</p> <p>6 residents were operating on a similar level of</p> <p>7 experience and education?</p> <p>8 A Yes.</p> <p>9 Q You don't recall any residents that were</p> <p>10 particularly poor at residency training?</p> <p>11 A I did see some like performance with others,</p> <p>12 yes.</p> <p>13 Q Okay. Did you see any residents that were</p> <p>14 exceptional in their residency training?</p> <p>15 A There were a few, yes.</p> <p>16 Q In your opinion, where did you fall on that</p> <p>17 scale?</p> <p>18 A In regards to performance -- oh, I'm sorry.</p> <p>19 There was a confusion.</p> <p>20 Q Okay.</p> <p>21 A When I think of residents, I think of actual</p> <p>22 residents, so those are people that already are</p> <p>23 veterinarians and they are specializing into an actual</p> <p>24 field of veterinary and then they end up getting a</p> <p>25 diplomat. So I think there was a confusion there.</p>	<p>Page 61</p> <p>1 would you put yourself on that scale?</p> <p>2 A I would say based on the beginning of the</p> <p>3 program, mid program, are you mentioning overall?</p> <p>4 Q If you saw a difference at different times,</p> <p>5 I would like you to walk me through that.</p> <p>6 A Sure. So in the beginning I would determine</p> <p>7 myself as average because I needed to know the clinic</p> <p>8 a little more, how everything worked kind of</p> <p>9 situation.</p> <p>10 Over time, I mean, I felt that changed</p> <p>11 because I knew my area, my belonging. For those</p> <p>12 that -- for the Oklahoma students that were available</p> <p>13 I guess that I knew, I did see the differences between</p> <p>14 students of their knowledge, their performance,</p> <p>15 their -- is that what you're asking?</p> <p>16 Q It is. But I would like you to maybe go</p> <p>17 into a little more detail on that.</p> <p>18 What differences did you notice?</p> <p>19 A I did notice differences in knowledge a lot</p> <p>20 with students.</p> <p>21 Q Yeah.</p> <p>22 A Yeah.</p> <p>23 Q In terms of the knowledge base that they</p> <p>24 were operating from?</p> <p>25 A Yes. Yeah.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q Did you think it was higher or lower than 2 the other students? 3 A I felt it was sometimes lower, other times 4 up to par. 5 Q Okay. So I don't want to put words in your 6 mouth. I'm trying to understand what you're telling 7 me. 8 A Sure. Yeah. 9 Q In your observation of the students in the 10 clinical practice that you were in, I think it's the 11 year four clinical program; is that right? 12 A That's correct. 13 Q We're talking about the same thing? 14 A Yes. 15 Q You noticed that some of the students seemed 16 to not have as broad of a knowledge base or as deep of 17 a knowledge base as others? 18 A Yes. 19 Q I believe you said that in your opinion it 20 was sometimes that you saw that with regard to the 21 students from Oklahoma State or from the state of 22 Oklahoma, in-state students who were in the program? 23 A Yes. 24 Q So you would say that the out-of-state 25 students or the students from the schools in the</p>	<p style="text-align: right;">Page 64</p> <p>1 specific medical knowledge questions, clinical 2 questions. 3 Q And the students that you referred to as the 4 Oklahoma students, were they unable to answer the 5 questions or did they just elect to not answer the 6 questions? 7 MR. BACH: Object to that. Calls for 8 speculation. 9 THE WITNESS: Yeah, I don't recall that. 10 Like I'm not sure how they felt, to answer that or 11 not. 12 Q (BY MR. PRATT) That was a bad question. 13 I'll ask it this way: Were they called upon and 14 unable to answer the question? 15 A Whether or not they were able to answer the 16 question or they chose not to, I'm not too sure. 17 Q The question was asked to the group? 18 A Yes, it was. 19 Q And you noticed that the St. Matthew's 20 students were the with ones that would often answer 21 the question? 22 A Yes. 23 Q You kind of mentioned it. 24 Do you recall your first rotation and what 25 it was?</p>
<p style="text-align: right;">Page 63</p> <p>1 Caribbean had a deeper knowledge base, in your 2 opinion? 3 A Yes. I felt that there was, yes. 4 Q Okay. 5 A Yes. 6 Q Was that reflected in their clinical 7 participation? 8 A Not always, no. 9 Q So can you give me an example of a time when 10 you felt like the students from Oklahoma were not as 11 equipped with the knowledge base that they should have 12 been? 13 A Yes. There was my first -- actually, my 14 first rotation of internal medicine. I felt that 15 there was situations where they didn't know the proper 16 knowledge of the -- like when we were in -- during 17 rounds. 18 I had two other St. Matthew's students with 19 me and these were -- they had been in the program 20 longer than I have. They were one semester above me, 21 so they had been at least there over three to six 22 months in the program in the fourth year. 23 My first semester -- or my first -- sorry, 24 rotation there, I noticed that we were the ones 25 answering the questions when we were asked very</p>	<p style="text-align: right;">Page 65</p> <p>1 A Yes. It was internal medicine rotation. 2 Q Can you describe that rotation for me? 3 A Sure. So pretty much it was led by two 4 clinicians. They were both -- Dr. Lyon and Dr. Nate 5 were involved mostly in the rotation. We did rotate 6 between the two of them. 7 I think the first week we had Dr. Lyon and 8 then the last two weeks we had Dr. Nate. 9 Q What was your relationship like with those 10 instructors? 11 A Good. Very good. I enjoyed both of them. 12 Q What type of activities did the students 13 perform during this rotation? 14 A Sure. So that involved taking appointments, 15 performing what we needed to do in those appointments 16 depending on the case. And from there if needed to be 17 in clinics, it would be in ICU, we would have care for 18 those in-patient care involvement. 19 Q It's fair to say pretty hands on? 20 A Yes. 21 Q Were there surgeries being performed? 22 A No surgeries but we did -- we were able to 23 observe surgeries that were done by the clinicians and 24 residents and there was a cycle between -- I had 25 mentioned, sorry, there was a cycle of other residents</p>

<p style="text-align: right;">Page 66</p> <p>1 that were also there, so they were being -- where they</p> <p>2 were working under the clinicians for their schooling.</p> <p>3 There was three different clinicians at the</p> <p>4 time or three different -- sorry, three different</p> <p>5 residents at the time. Excuse me.</p> <p>6 Q Okay. So the structure of the rotation</p> <p>7 would be the instructor?</p> <p>8 A Yes.</p> <p>9 Q Usually a few residents, maybe two, three</p> <p>10 residents?</p> <p>11 A That's correct, yes.</p> <p>12 Q And then students that were in the rotation?</p> <p>13 A Yes.</p> <p>14 Q To bring back something I did earlier ---</p> <p>15 A And the technicians as well.</p> <p>16 Q And the technicians as well?</p> <p>17 A Yes.</p> <p>18 Q Where did the technicians kind of rank in</p> <p>19 that whole?</p> <p>20 A Well, regarding to the ones that would grade</p> <p>21 us would be involving technicians as well. So</p> <p>22 probably I would say they're with -- they were under</p> <p>23 the -- we had interns come in, too. So I wouldn't</p> <p>24 consider that like a big thing but they would come and</p> <p>25 go.</p>	<p style="text-align: right;">Page 68</p> <p>1 it is relating to you.</p> <p>2 A Yes.</p> <p>3 Q And that it is for Small Animal Internal</p> <p>4 Medicine rotation.</p> <p>5 A That's correct. Yes.</p> <p>6 Q It also shows the dates of activity are 9-9</p> <p>7 of 2019, so September 9th through September 29th of</p> <p>8 2019 which reflects kind of what you said, like I</p> <p>9 think it would be a three-week rotation.</p> <p>10 A That's correct. Yes.</p> <p>11 Q Okay. Can you describe the format of this</p> <p>12 evaluation?</p> <p>13 A Sure. So this would -- we would be graded</p> <p>14 based on Communication, Knowledge & Knowledge</p> <p>15 Application, Patient Assessment, Professional Conduct,</p> <p>16 Professional Skillset, Problem-Oriented Veterinary</p> <p>17 Medical Record System Points Received and also</p> <p>18 Technical Skillset points.</p> <p>19 Q Okay. In looking at this, it has each of</p> <p>20 those categories that you've just described broken</p> <p>21 into its own box.</p> <p>22 A Yes.</p> <p>23 Q Above the first one which is the</p> <p>24 Communication Points Received it gives what appears to</p> <p>25 be a table of different scoring.</p>
<p style="text-align: right;">Page 67</p> <p>1 There would be at least one intern coming in</p> <p>2 and below that would be probably technicians, below</p> <p>3 the interns.</p> <p>4 Q Okay. And then were students at the very</p> <p>5 bottom?</p> <p>6 A Yes.</p> <p>7 Q Did you enjoy that rotation?</p> <p>8 A I did, yes.</p> <p>9 Q Okay.</p> <p>10 (Defendant's Exhibit 2 was marked for</p> <p>11 identification)</p> <p>12 Q (BY MR. PRATT) I am going to hand you what</p> <p>13 is marked as Defendant's Exhibit 2.</p> <p>14 A Sure.</p> <p>15 Q I will note that this has been produced in</p> <p>16 discovery and is listed as Board68, 69 and 70.</p> <p>17 Would you take a look at this document and</p> <p>18 when you've had a chance to review it, tell me what</p> <p>19 this is.</p> <p>20 A Sure. This is an evaluation of my internal</p> <p>21 medicine rotation.</p> <p>22 Q Did you typically receive evaluations that</p> <p>23 looked like this?</p> <p>24 A Yes, I did.</p> <p>25 Q If we look at the top, it seems to indicate</p>	<p style="text-align: right;">Page 69</p> <p>1 Do you see that?</p> <p>2 A I do, yes.</p> <p>3 Q Can you describe that for us?</p> <p>4 A Sure. So within 14 points being the most to</p> <p>5 7 points being the lowest, there is comments regarding</p> <p>6 if whether you exceed expectations or you have grounds</p> <p>7 of failure, so from there you exceed, meet, below</p> <p>8 expectations, then grounding depending on how many</p> <p>9 points you received.</p> <p>10 Q Thank you. So let's just go through these</p> <p>11 one by one. The first category you mentioned and is</p> <p>12 noted here is Communication Points Received.</p> <p>13 A Yes.</p> <p>14 Q What score did you receive?</p> <p>15 A 7.5.</p> <p>16 Q On that scale that we just mentioned, where</p> <p>17 does that fall?</p> <p>18 A The lowest would be grounds for failure so</p> <p>19 it's just a little bit above that.</p> <p>20 Q Okay. The next category is Knowledge &</p> <p>21 Knowledge Application.</p> <p>22 What score did you receive in that?</p> <p>23 A 8.5.</p> <p>24 Q Where did that fall on the scale?</p> <p>25 A In between below expectations and grounds</p>

<p style="text-align: right;">Page 70</p> <p>1 for failure.</p> <p>2 Q The final one on that first page is Patient</p> <p>3 Assessment Points Received.</p> <p>4 A Yes.</p> <p>5 Q What did you score in that category?</p> <p>6 A 9.</p> <p>7 Q Where does that fall?</p> <p>8 A Below expectations.</p> <p>9 Q Turning to the next page, we have a category</p> <p>10 of Professional Conduct Points Received.</p> <p>11 What did you score there?</p> <p>12 A 9.25.</p> <p>13 Q Where does that fall on the scale?</p> <p>14 A A little above below expectations.</p> <p>15 Q Okay. Next is Professional Skillset Points</p> <p>16 Received.</p> <p>17 What did you score there?</p> <p>18 A 8.5.</p> <p>19 Q Where did that fall on the scale?</p> <p>20 A In between below expectations and grounds</p> <p>21 for failure.</p> <p>22 Q Next is Problem-Oriented Veterinary Medical</p> <p>23 Record System Points Received.</p> <p>24 What did you receive there?</p> <p>25 A 8.5.</p>	<p style="text-align: right;">Page 72</p> <p>1 accurate?</p> <p>2 A Yes, that's accurate.</p> <p>3 Q What letter grade did you receive?</p> <p>4 A D.</p> <p>5 Q Below that we see Comments.</p> <p>6 Do you know who provided these comments?</p> <p>7 A Yes. It was both Dr. Lyon and Dr. Nate</p> <p>8 (ph).</p> <p>9 Q Okay. I would like for you, and we'll have</p> <p>10 to do this a little bit today and this is just to make</p> <p>11 sure the record is clear, I'm not going to have you</p> <p>12 read this whole thing. That's too much.</p> <p>13 A I already read it in the past, so.</p> <p>14 Q Okay. But would you mind reading the first</p> <p>15 and second paragraph into the record, please?</p> <p>16 A Sure.</p> <p>17 "Jonathan, throughout your 3-week small</p> <p>18 animal internal medicine rotation there were</p> <p>19 some significant concerns regarding</p> <p>20 communication, attention to detail, patient</p> <p>21 care, completion of medical records,</p> <p>22 accurate history taking/preparation and</p> <p>23 professionalism. You did display adequate</p> <p>24 knowledge base for this stage of your</p> <p>25 training when discussing some topics during</p>
<p style="text-align: right;">Page 71</p> <p>1 Q And that would be the same as the one you</p> <p>2 just mentioned; right?</p> <p>3 A Correct. Yes.</p> <p>4 Q The final category is Technical Skillset</p> <p>5 Points Received.</p> <p>6 What did you score there?</p> <p>7 A I received an 11.</p> <p>8 Q Where does that fall on the scale?</p> <p>9 A That falls in between meets expectations and</p> <p>10 below expectations, in between.</p> <p>11 Q Okay. So one, two, three, four, five, six,</p> <p>12 seven categories for which you received a score?</p> <p>13 A Correct.</p> <p>14 Q I'm counting correctly, one, two, three,</p> <p>15 four, five ---</p> <p>16 A Seven, seven scores.</p> <p>17 Q Okay. Five of the seven are below</p> <p>18 expectations or lower; is that accurate?</p> <p>19 A Yes, that's accurate.</p> <p>20 Q Okay. If you will turn to the third page,</p> <p>21 there's a few things on this page. At the very top of</p> <p>22 the page it says Total Points. Presumably that's a</p> <p>23 sum of the points we've just discussed?</p> <p>24 A Yes.</p> <p>25 Q And then a letter grade is assigned; is that</p>	<p style="text-align: right;">Page 73</p> <p>1 rounds and deficient with discussing other</p> <p>2 topics."</p> <p>3 Q I will stop you there.</p> <p>4 A Sure.</p> <p>5 Q There's clearly some type of typo there. It</p> <p>6 doesn't read correctly in some way but we can't infer</p> <p>7 what that might be.</p> <p>8 A Okay.</p> <p>9 Q I just want to make that clear for the</p> <p>10 record that you read it verbatim.</p> <p>11 A Yes.</p> <p>12 Q Onto the next paragraph, please.</p> <p>13 A Okay.</p> <p>14 "You frequently did not communicate</p> <p>15 effectively with the clinician (faculty or</p> <p>16 house officer) that you were working with on</p> <p>17 a specific case. For example, when Milo was</p> <p>18 discharged from the hospital on Saturday,</p> <p>19 September 28th at 2 pm, you did not contact</p> <p>20 Dr. Moore and specifically ask to be excused</p> <p>21 from being present at this discharge, as you</p> <p>22 had worked from 5 p.m. to 11 pm on Friday,</p> <p>23 September 27th and then were called back in</p> <p>24 for an emergency and had worked from 2 am to</p> <p>25 7 am on the morning of Saturday,</p>

<p>Page 74</p> <p>1 September 28th. As we discussed during our 2 meeting, we would have been happy for you to 3 go home and sleep on Saturday given your 4 long day Friday and then additional time on 5 ER Saturday morning. However, you must 6 communicate with clinicians in the hospital 7 so that we can plan accordingly. You left 8 the hospital before discussing Milo's case 9 with the clinician on the morning of 10 Saturday and did not communicate with the 11 clinician prior to leaving. You also did 12 not communicate effectively with Dr. Lyon 13 with updates on Lucy's case. He had to 14 initiate communications with you to discuss 15 the case. As a student on the case, you are 16 expected to communicate with the clinician 17 on your case to discuss updates and changes 18 to case management." 19 Q Thank you. 20 Obviously, this continues for multiple 21 paragraphs which go into more examples of issues that 22 they were bringing to your attention. 23 Is that accurate? 24 A Yes. 25 Q I'm not going to go through all of those.</p>	<p>Page 76</p> <p>1 performed well. It was my first rotation so it was 2 bumpy. So, yes, I -- I was surprised at the actual 3 grade. I was not surprised it being lower though for 4 sure, yes. 5 Q Were you surprised by the comments that were 6 included by the instructors? 7 A On some of them, yes. 8 Q Did you communicate with the other students 9 in your rotation about the grade that you received? 10 A To my other St. Matthew's students, yes, I 11 did. 12 Q Had they been in the rotation with you? 13 A They were, yes. 14 Q Do you know if they received lower or higher 15 grades than you did? 16 A They received higher grades. 17 Q Okay. 18 A But as I mentioned, they were already six 19 months in the program. 20 Q Do you feel as if the grade that you 21 received for the small animal internal medicine 22 rotation was fair? 23 A Partially, yes; partially, no. 24 Q Okay. Can you break that down for me? Can 25 you tell me why yes and why no?</p>
<p>Page 75</p> <p>1 A Okay. 2 Q I would like for you to read one more 3 paragraph. If you will skip down to where the 4 paragraph that begins "Overall" and please read that 5 for us. 6 A Sure. 7 "Overall, your communication skills, history 8 taking, case preparation, patient care, and 9 professionalism were below average. We're 10 recommending that you repeat the small 11 animal internal medicine clinical rotation 12 as we feel this is the best for your 13 education and clinical experience." 14 Q Thank you. 15 So this was the evaluation you received 16 after your first rotation? 17 A Yes. 18 Q How was this evaluation shared with you? 19 A It was shared with me online and -- yeah, it 20 was just shared with me online. We have a -- we log 21 into a website where we can see our evaluations, 22 grades. 23 Q Did your grade come as a surprise to you in 24 that rotation? 25 A For the first two weeks, I felt like I</p>	<p>Page 77</p> <p>1 A Sure. After -- after the end of the 2 rotation, I spoke with Dr. Lyon and Dr. Nate in a 3 meeting regarding my performance. Well, regarding my 4 performance at the end. There wasn't any evaluation 5 performance before that at all during the rotation so 6 I was -- a little concerning about that, like for me 7 to try to improve from there for the rotation. 8 I did mention to them that I was dealing 9 with a lot of stress my last week which was where most 10 of the errors happened during this rotation and then 11 led to because of an emotional breakdown of my father 12 in the hospital in the critical unit due to a car 13 accident and health -- from health concerns leading to 14 a car accident. 15 Q And you discussed this with the instructors 16 after receiving your grade or prior to receiving your 17 grade? 18 A At the end of the rotation, so that was at 19 that point. So I tried to -- I felt that I tried the 20 whole, I guess, to perform but it didn't work out, so 21 I told them at the end. 22 Q I want to be -- let me just state this -- 23 sympathetic to the issue with your father. 24 Okay? 25 A Yes.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q I'm trying to figure out how to ask the 2 question correctly. 3 A Sure. 4 Q Did you communicate the stresses or 5 difficulty that you were undergoing at that time to 6 your instructors while you were going through that? 7 A No, not until the end of the rotation. 8 Q Okay. So after you were made aware of 9 receiving a grade of D, do you recall what occurred, 10 if anything, as a result of receiving that grade? 11 A Could you elaborate on that question a 12 little bit? Sorry. 13 Q Sure. College of Veterinary Medicine has 14 certain procedures that are in effect for students 15 that are participating in the clinical rotations? 16 A Yes. 17 Q Are you aware of those? 18 A Yes. 19 Q As a result of receiving a D, certain steps 20 are taken at the college level? 21 A Yes. 22 Q Can you tell me what steps were taken with 23 regard to you having received a D? 24 A Yes. I was put on academic probation. 25 Q Immediately?</p>	<p style="text-align: right;">Page 80</p> <p>1 that led to me wanting to talk to Dr. Gilmour 2 regarding that because she was the associate dean at 3 the time of student affairs. 4 Q Did you have a sitdown meeting with 5 Dr. Gilmour? 6 A I did, yes. 7 Q Was the PSC's review of your grade at that 8 time automatic or did you have to file some type of 9 appeal? 10 A It was automatic. There was no appeal being 11 done. 12 (Defendant's Exhibit 3 was marked for 13 identification) 14 Q (BY MR. PRATT) I'm going to hand you what is 15 marked as Defendant's Exhibit 3, previously produced 16 in discovery as Board89. 17 Are you familiar with this document? 18 A Yes, I am. 19 Q Can you tell us what it is? 20 A Sure. It was an email sent to me which had 21 this letter attached to it involving regarding my D 22 grade in small animal internal medicine that they 23 received a notice and that they were placing me on 24 academic probation. 25 Q Okay. And it's from Margi Gilmour?</p>
<p style="text-align: right;">Page 79</p> <p>1 A Immediately. 2 Q How were you made aware that you were placed 3 on academic probation? 4 A I had to speak to Dr. Gilmour regarding 5 that. 6 Q Did Dr. Gilmour make the decision to place 7 you on academic probation? 8 A It involved her and the committee. 9 Q Okay. It's taken me a minute to get there. 10 When you say "the committee," which 11 committee is that? 12 A It is the Professional Standards Committee. 13 Q It's commonly referred to as PSC? 14 A That's correct. Yes. 15 Q You were familiar with that structure while 16 enrolled at OSU? 17 A No, I was not. 18 Q Not until you received notice? 19 A Right. 20 Q Do you recall how you received notice that 21 the PSC had reviewed your grade? 22 A Yes. It involved going to a meeting with 23 Dr. Gilmour. But I wanted to speak -- it involved me 24 speaking to my advisor about the concerns I had with 25 the rotation and the stresses I was going through and</p>	<p style="text-align: right;">Page 81</p> <p>1 A Yes. 2 Q Is that who had sent the email as well? 3 A That's correct. Yes. 4 Q Okay. Will you read the second paragraph 5 for us, please? 6 A Sure. 7 "Receiving a D grade places you on academic 8 probation. Per academic policy, receiving a 9 second "D" grade or an "F" grade during the 10 remaining clinical year may result in any of 11 the following: dismissal, remediation 12 before being allowed to continue in the 13 curriculum, or scheduling remediation of the 14 failed rotation and continuing in clinical 15 rotations. Please let me know if you have 16 any questions regarding the academic policy. 17 It can also be accessed in the college 18 Student Handbook." 19 Q Thank you. 20 So you were made aware that you had been 21 placed on academic probation following your first 22 rotation? 23 A Yes. In October 3rd, 2019, correct. 24 Q Give me just a second. 25 A Sure.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q After having received a document we just</p> <p>2 discussed, were you allowed to continue in the</p> <p>3 clinical rotation program?</p> <p>4 A Yes, I was.</p> <p>5 Q Did you elect to make any changes as to your</p> <p>6 approach to the program as a result of this letter?</p> <p>7 A Yes.</p> <p>8 Q Can you tell us what those would be?</p> <p>9 A Sure. It was involving reflecting on</p> <p>10 recommendation much more, focusing on that, since it</p> <p>11 was my first rotation. Yeah, it was mostly really</p> <p>12 focusing on, reflecting on the evaluations, taking</p> <p>13 advice.</p> <p>14 Q Following the small animal internal medicine</p> <p>15 rotation, you then would have continued through the</p> <p>16 remainder of the fall semester?</p> <p>17 A That's correct, yes.</p> <p>18 Q Were the rotations set up, with them being</p> <p>19 every three weeks, were you on the same semester</p> <p>20 schedule as like Oklahoma State in general, the</p> <p>21 University in general? Like did you have a fall</p> <p>22 semester, spring semester and a break in between?</p> <p>23 A No.</p> <p>24 Q No?</p> <p>25 A It was continuous.</p>	<p style="text-align: right;">Page 84</p> <p>1 medicine?</p> <p>2 Q Yes, sir.</p> <p>3 A Sure. The next one after I did that was</p> <p>4 theory of genealogy which was the next rotation after.</p> <p>5 The one after that, I believe, was equine internal</p> <p>6 medicine rotation, and then after that I believe it</p> <p>7 was exotics medicine rotation.</p> <p>8 Q Did you enjoy those rotations?</p> <p>9 A I did, yes.</p> <p>10 Q Did you do well in those rotations?</p> <p>11 A Yes, I did.</p> <p>12 Q Okay. Do you recall any of the ones that</p> <p>13 would have like started in the spring? Like I said,</p> <p>14 that's how I had it in my mind.</p> <p>15 A In the spring, so after the fourth, January,</p> <p>16 I'm trying to recall the one after equine medicine</p> <p>17 internal medicine.</p> <p>18 Q Was it small animal ICU?</p> <p>19 A Yes. Yes. But that was during -- I think</p> <p>20 that was during -- yes, that was later, I believe.</p> <p>21 Q Okay.</p> <p>22 A So, yeah. Because I'm trying to remember.</p> <p>23 I know during Christmas I had large animal internal</p> <p>24 medicine because I was -- I was there for Christmas,</p> <p>25 so that was at the end of December. So then the next</p>
<p style="text-align: right;">Page 83</p> <p>1 Q Okay.</p> <p>2 A Summers were included.</p> <p>3 Q So it was just three-week rotation into the</p> <p>4 next three-week rotation with no breaks?</p> <p>5 A Yes.</p> <p>6 Q Did you even consider whether it was fall</p> <p>7 semester or spring semester or was it just my first</p> <p>8 year of the program?</p> <p>9 A Yes, just my year in the program. I'm there</p> <p>10 for nine months continuously. There is no breaks.</p> <p>11 Q The reason I'm asking that is because in my</p> <p>12 mind, because I wasn't there, I still think like the</p> <p>13 university lawyer who is thinking about fall semester,</p> <p>14 spring semester. So if I say that and it's confusing,</p> <p>15 just let me know.</p> <p>16 A Sure.</p> <p>17 Q Because I do have my next set of questions</p> <p>18 just to kind of ask you like through the remainder of</p> <p>19 the fall, you know, do you recall which rotations you</p> <p>20 did that followed the small animal internal medicine</p> <p>21 rotation?</p> <p>22 A Sure.</p> <p>23 Q Can you tell us at least what some of those</p> <p>24 rotations were?</p> <p>25 A Are you asking after small animal internal</p>	<p style="text-align: right;">Page 85</p> <p>1 one after that was going to be the spring one.</p> <p>2 Q Thinking about back over all of that and the</p> <p>3 times, the next rotation that I'm going to focus on is</p> <p>4 going to be community practice.</p> <p>5 So prior to community practice, do you</p> <p>6 recall the instructors of any of the rotations that</p> <p>7 you took?</p> <p>8 A Yes.</p> <p>9 Q What were your relationships like with them?</p> <p>10 A Good. Very good.</p> <p>11 Q With all of them?</p> <p>12 A Yes.</p> <p>13 Q Across the board?</p> <p>14 A Yes.</p> <p>15 Q Okay. We'll move into community practice.</p> <p>16 Can you describe for me what the community</p> <p>17 practice rotation is?</p> <p>18 A Sure. Community practice rotation involves</p> <p>19 doing your daily practices as a veterinarian which</p> <p>20 involves vaccination protocols. So these are just</p> <p>21 your daily like checkups kind of thing, wellness</p> <p>22 checks.</p> <p>23 And, you know, some do come in sick but they</p> <p>24 are the ones that see the cases first and if it is too</p> <p>25 complicating or something that is specific, not able</p>

<p style="text-align: right;">Page 86</p> <p>1 to do, that goes to internal medicine.</p> <p>2 So that involves, like I said, routine</p> <p>3 exams, you know, vaccinations, simpler stuff, I would</p> <p>4 say, like ear cleaning if needed, cutting nails, just</p> <p>5 simpler stuff I guess you would say, more general</p> <p>6 practice oriented things.</p> <p>7 Q Is it fair to say that a lot of work you</p> <p>8 would have been doing in that rotation was</p> <p>9 representative of the work you had been doing since</p> <p>10 you were 15 working in your dad's clinic?</p> <p>11 A Yes.</p> <p>12 Q Similar?</p> <p>13 A Similar, uh-huh.</p> <p>14 Q Were there multiple instructors for that</p> <p>15 rotation?</p> <p>16 A Yes, there was. There was Dr. DeMars and</p> <p>17 Dr. Syp. Those are the two clinicians and then we</p> <p>18 would have an intern also working with us for</p> <p>19 emergencies.</p> <p>20 MR. PRATT: He says Dr. DeMars and Dr. Syp.</p> <p>21 Syp is short for Sypniewski. I believe it is spelled</p> <p>22 S-Y-P-N-I-E-W-S-K-I.</p> <p>23 Q (BY MR. PRATT) Is that accurate? Not the</p> <p>24 spelling but are we talking about the same individual?</p> <p>25 A Yes, we are.</p>	<p style="text-align: right;">Page 88</p> <p>1 directly at you?</p> <p>2 A There was some discrepancy that were, yes.</p> <p>3 But it started off that it was to the class and then</p> <p>4 it targeted certain people.</p> <p>5 Q Gotcha.</p> <p>6 So this rotation, like the others we talked</p> <p>7 about, was three weeks?</p> <p>8 A Yes.</p> <p>9 Q When we talk about a rotation being three</p> <p>10 weeks, I want to dive in a little bit on that.</p> <p>11 Okay?</p> <p>12 A Sure.</p> <p>13 Q Are you working seven days a week?</p> <p>14 A We are working five days a week.</p> <p>15 Q Monday through Friday?</p> <p>16 A Yes.</p> <p>17 Q Any work on the weekends?</p> <p>18 A Yes. There was one time I did work on the</p> <p>19 weekend but it involved one case only.</p> <p>20 Q From all of your rotations there was only</p> <p>21 one time you worked on a weekend?</p> <p>22 A No. It depends. Like I mentioned earlier,</p> <p>23 it depended on the rotation.</p> <p>24 Q Okay. One time in community practice you</p> <p>25 worked on the weekend?</p>
<p style="text-align: right;">Page 87</p> <p>1 Q Okay. What was your relationship like with</p> <p>2 them?</p> <p>3 A At the start it started off good. I enjoyed</p> <p>4 both of them really well. We got -- we -- there was</p> <p>5 no issues in the beginning of the rotation and like</p> <p>6 midway was good still. There was concerns later on</p> <p>7 after that though.</p> <p>8 Q Okay. What were your concerns?</p> <p>9 A Well, my concerns were more of the behaviors</p> <p>10 of them both. Over time I noticed some different</p> <p>11 behaviors of them from when I saw them in the</p> <p>12 beginning of the week.</p> <p>13 Q Such as?</p> <p>14 A Anger issues was a big one.</p> <p>15 Q From both of them?</p> <p>16 A From both of them, yes.</p> <p>17 Q How did that manifest itself?</p> <p>18 A It involved not with per se me. I wasn't</p> <p>19 sure why they would be angry but they came in like</p> <p>20 flustered and kind of overwhelmed I think is</p> <p>21 probably -- and then they would reflect it out on the</p> <p>22 student, like all of us students in the class.</p> <p>23 There was some occasions that would happen,</p> <p>24 some like happenings, I guess.</p> <p>25 Q But you said never at you? You said not</p>	<p style="text-align: right;">Page 89</p> <p>1 A Yes.</p> <p>2 Q So if we were even to max on this, 21 days</p> <p>3 that you're exposed to these specific set of</p> <p>4 instructors, Dr. DeMars and Dr. Syp?</p> <p>5 A That's correct. Yes.</p> <p>6 Q And you say that for the beginning of that</p> <p>7 it was a good relationship, at the end it was not and</p> <p>8 in the middle was deteriorating. So we have a pretty</p> <p>9 short time span there --</p> <p>10 A Yes.</p> <p>11 Q -- for which you're basing your kind of --</p> <p>12 you know, trying to assess your relationship with your</p> <p>13 instructors?</p> <p>14 A Right. Yes.</p> <p>15 Q Okay. You mentioned that as it got toward</p> <p>16 the end of the rotation you felt as if they were</p> <p>17 targeting individuals?</p> <p>18 A Yes.</p> <p>19 Q Let's talk about that.</p> <p>20 A Sure.</p> <p>21 Q Who did you feel was being targeted?</p> <p>22 A Depending on certain students, I know there</p> <p>23 was me and another male student. We were the only</p> <p>24 male students in the class. We were being targeted by</p> <p>25 Dr. Syp at the time. There was a few female students</p>

<p style="text-align: right;">Page 90</p> <p>1 being targeted by Dr. DeMars.</p> <p>2 Q Okay. So you didn't feel as if you were</p> <p>3 being targeted by Dr. DeMars?</p> <p>4 A Not until the end of the rotation.</p> <p>5 Q Okay. At what point did you feel like you</p> <p>6 were being targeted by Dr. Syp?</p> <p>7 A Within the beginning of the second week I</p> <p>8 would say after -- during this case that I mentioned</p> <p>9 over the weekend, that's when I started to feel</p> <p>10 targeted a bit.</p> <p>11 Q Based on what you've said, and I think</p> <p>12 there's -- we'll get to it later, but there's a</p> <p>13 statement in your complaint that it seems to be that</p> <p>14 you believed that targeting to be based on your</p> <p>15 gender?</p> <p>16 A Could be. I'm not sure how they're</p> <p>17 targeting me based on that but it could be, you know.</p> <p>18 I feel it could be not just sex but it could be</p> <p>19 something else. I'm not sure.</p> <p>20 Q So you felt like you and the only other male</p> <p>21 resident, is that right, that was in community</p> <p>22 practice with you at the time?</p> <p>23 A Student not resident.</p> <p>24 Q I'm sorry. Thank you.</p> <p>25 A It's no problem.</p>	<p style="text-align: right;">Page 92</p> <p>1 A No.</p> <p>2 Q That's not possible?</p> <p>3 A No. I don't think that's possible in my</p> <p>4 situation, in my scenario, no.</p> <p>5 Q Why?</p> <p>6 A Because I felt that was or she felt it was</p> <p>7 an error that I did. I don't feel that it was an</p> <p>8 error that other students did or had experience of</p> <p>9 doing because I'd never saw that in the rotations.</p> <p>10 So whether it was a teaching matter or not,</p> <p>11 from what I've seen, things were done privately if</p> <p>12 there was something that you had a concern -- or they</p> <p>13 had a concern about your performance.</p> <p>14 MR. BACH: Can we take a short break?</p> <p>15 MR. PRATT: Sure.</p> <p>16 (Luncheon recess taken from 11:54 to 12:35)</p> <p>17 Q (BY MR. PRATT) We've been on a lunch break.</p> <p>18 We're back on the record. We're going to pick up</p> <p>19 where we left off, but before we do I want to ask you</p> <p>20 a question and that is, since we took our break, have</p> <p>21 you thought back on any of your responses or any of</p> <p>22 the questions asked and have any of your answers</p> <p>23 changed or is there anything that you would like to</p> <p>24 add or provide at this time?</p> <p>25 A Yes, I do.</p>
<p style="text-align: right;">Page 91</p> <p>1 Q You were the two male students in the</p> <p>2 rotation?</p> <p>3 A Yes.</p> <p>4 Q You felt as if the two of you were targeted</p> <p>5 specifically by Dr. Syp?</p> <p>6 A Yes, I felt that. Yes.</p> <p>7 Q What did the targeting look like?</p> <p>8 A It involved -- instead of talking privately,</p> <p>9 it involved talking in front of other students about</p> <p>10 concerning matters within our cases instead of just</p> <p>11 talking to us privately. You know, it was more -- it</p> <p>12 kind of felt humiliating, humiliation sort of. These</p> <p>13 are your errors, why aren't you doing this, I did do</p> <p>14 this, you know, communicating. Well, you didn't.</p> <p>15 It was kind of -- it got to -- it wasn't</p> <p>16 very professional. Let's put it that way. It could</p> <p>17 have been more -- this should have been more of a</p> <p>18 private matter between let's talk about our case</p> <p>19 together. But instead it was in front of other</p> <p>20 students when it shouldn't have been about our</p> <p>21 performance, I guess, so.</p> <p>22 Q In any of those instances that you recall,</p> <p>23 would it have been possible that Dr. Syp was using the</p> <p>24 scenario you're describing as a teaching moment for</p> <p>25 more students other than just yourself?</p>	<p style="text-align: right;">Page 93</p> <p>1 Q Go ahead.</p> <p>2 A Okay. You mentioned regarding -- when you</p> <p>3 asked about anger, there was a question regarding</p> <p>4 community practice. There was some couple incidents</p> <p>5 of anger that I noticed. One was on the first day</p> <p>6 actually of the rotation.</p> <p>7 Dr. DeMars, when he presented rounds to us,</p> <p>8 the first day we were talking about a topic. I'm</p> <p>9 trying to remember the topic off my head. I don't</p> <p>10 recall. But there was a topic regarding something</p> <p>11 with veterinarian and community practice.</p> <p>12 While we were being lectured, he was on the</p> <p>13 board about to start his lecture at like 8:00 a.m.</p> <p>14 where we usually start, he had his diabetic monitor on</p> <p>15 and it started beeping like constantly and it was</p> <p>16 interrupting him.</p> <p>17 There was a point where he couldn't shut it</p> <p>18 off and he kept trying to shut it off and it got to a</p> <p>19 point where he was being -- I don't know if it was</p> <p>20 embarrassment or flustered or just anger in general</p> <p>21 that he -- I could tell like he started just getting</p> <p>22 angry, just wouldn't stop and he just took the thing</p> <p>23 out, put it on the table that we were like in this</p> <p>24 round room that we have, kind of like a smaller table,</p> <p>25 and then got his pocketknife out of his pocket and</p>

<p>1 started stabbing it profusely on the table.</p> <p>2 Q Okay. This was his monitor?</p> <p>3 A Yes, his diabetic monitor. That's correct.</p> <p>4 He stabbed it profusely at least 10 times or more and</p> <p>5 just wouldn't stop. He finally opened it and it</p> <p>6 stopped and took the batteries out, and then didn't</p> <p>7 say anything and just continued.</p> <p>8 He's like, okay, well. And then he started</p> <p>9 the lecturing like that, just like flustered. Within</p> <p>10 this time, I was -- not being, not being an OSU</p> <p>11 student, I had no recollection of who Dr. DeMars was.</p> <p>12 But I was looking at -- I was looking at everyone's</p> <p>13 face, the OSU students there.</p> <p>14 I was the only island student in that</p> <p>15 rotation. There was one other student that was a</p> <p>16 foreign student so she was -- I believe was paid</p> <p>17 student but she came from Louisiana State University.</p> <p>18 So it was just me and her as non OSU students.</p> <p>19 So we were looking at each other in just</p> <p>20 shock, like what is going on. And then I looked at</p> <p>21 every other student that I knew from other rotations</p> <p>22 before this. I also have been with a few of them. I</p> <p>23 was looking at them like what was that, like what is</p> <p>24 going on.</p> <p>25 They were just like -- like they were in</p>	<p>Page 94</p>	<p>1 Apparently, that was an issue in the past</p> <p>2 that he told us about. So Dr. DeMars had a meeting</p> <p>3 with us about that in like a midday kind of situation.</p> <p>4 We usually do a meeting at the end of the day, kind of</p> <p>5 tell us what, you know, what we learned and how is</p> <p>6 everyone doing and everything, like how is everyone</p> <p>7 doing.</p> <p>8 We might do like an extra lesson if we have</p> <p>9 enough time, an extra rounds topic. We talked about</p> <p>10 our rounds like each case kind of situation and so</p> <p>11 that's what the rounds usually are for.</p> <p>12 At the end of that point, within this mid</p> <p>13 meeting, both of them came to the room, Dr. Syp and</p> <p>14 Dr. DeMars. They kind of were talking us down, saying</p> <p>15 like someone missed an appointment, all this stuff.</p> <p>16 You need to hear everything. You need to hear for</p> <p>17 this call.</p> <p>18 We were just like confused, like there was</p> <p>19 no call, like what do we do if the receptionist</p> <p>20 doesn't call. We will never know they came or if they</p> <p>21 don't actually like physically come, which is very</p> <p>22 close to the room. The receptionist's office was</p> <p>23 literally like maybe 10, 15 feet away of the door to</p> <p>24 the rounds room, the hallway.</p> <p>25 We weren't even told that they even came</p>	<p>Page 96</p>
<p>1 shock, too, like but they were also -- they didn't</p> <p>2 seem as shocked as the other student and I. There was</p> <p>3 talks after about that incident after he left the room</p> <p>4 and we're all -- I was in shock, like what was that,</p> <p>5 like that was kind of scary, like this anger came out</p> <p>6 and he just took out a knife and started stabbing this</p> <p>7 monitor.</p> <p>8 They're like, yeah, he kind of has anger</p> <p>9 issues and stuff like that. They were used to that</p> <p>10 kind of situation. I was pretty in shock after that.</p> <p>11 I didn't see that kind of anger until like in certain</p> <p>12 situations where he felt he was in fault.</p> <p>13 There was another situation where -- that</p> <p>14 there was a missed -- there was a missed case that was</p> <p>15 being told for us to do. We have an intercom to know</p> <p>16 when we're up next. Like if there's a case that's</p> <p>17 coming, they will let us know and they'll call us in</p> <p>18 the monitor what student is assigned to it. Because</p> <p>19 we used a program that tells you the name.</p> <p>20 There was an incident where that that case</p> <p>21 was completely missed and we were not -- we were</p> <p>22 available all the time but we did not hear the</p> <p>23 intercom at all of anyone's name who was supposed to</p> <p>24 do it. Wasn't my case. It was one of their cases,</p> <p>25 one of the other students, but it wasn't told to us.</p>	<p>Page 95</p>	<p>1 from either way. It was a big concern for them. I</p> <p>2 saw the anger like coming out, like they were just</p> <p>3 flustered, and then the techs were also flustered.</p> <p>4 Like everybody was just like flustered, like mad and</p> <p>5 angry.</p> <p>6 We explained that we didn't hear on the</p> <p>7 intercom or anything. We didn't know even it came.</p> <p>8 Nobody even came to us either from the receptionist's</p> <p>9 office, like less than 10, 15 feet away.</p> <p>10 Yeah, they were saying that you can never do</p> <p>11 this. This is ridiculous. Like they were blaming,</p> <p>12 blaming, blaming. But we were telling our story, like</p> <p>13 there was no call, what do we do, how is that our</p> <p>14 fault.</p> <p>15 They said, we've had multiple problems. We</p> <p>16 cannot have this problem again in this rotation, like</p> <p>17 they kind of told like this happened before and we're</p> <p>18 getting blamed constantly. We can't have this happen</p> <p>19 again to us. So there was like a lot of problems</p> <p>20 that. Then in regards to anger, there was other anger</p> <p>21 situations. Now, that included the class.</p> <p>22 There was another one where Dr. Syp like</p> <p>23 second week mentioned that she's very open about her</p> <p>24 drug use and marijuana. She did a lot of research on</p> <p>25 marijuana with animals, so people appreciated, you</p>	<p>Page 97</p>

<p style="text-align: right;">Page 98</p> <p>1 know, her research with animals and everything and 2 marijuana.</p> <p>3 We know she was I guess, like -- she was an 4 encourager for people to use marijuana for any like 5 ailments needed for health-wise reasons.</p> <p>6 There was a situation where I guess things 7 were not working up to her par as a class, like things 8 were -- it was a very busy day. I think we had like 9 10, 15 cases total that day including multiple 10 emergencies and daytime emergencies.</p> <p>11 So during that time, she -- she was getting 12 flustered and just said like -- because we were 13 working with her that day. We rotated usually. It 14 was like DeMars this day and another day Syp.</p> <p>15 She would mentioned that like you don't want 16 to see me without my meds, like trust me. You don't 17 want to see me angry, like you don't want to see me 18 angry. She said this to the entire class, not like 19 targeting anyone there. So that was kind of 20 concerning to me.</p> <p>21 Everyone was kind of shocked like, well, who 22 is this other person. She was usually pretty laid 23 back. But in that case like there was times where she 24 would just flip, like completely different personality 25 almost, like change immediately, like a switch, like</p>	<p style="text-align: right;">Page 100</p> <p>1 Her demeanor at that time was very laid back, not 2 worrying about -- that wasn't a big deal, wasn't an 3 issue. Let's just say like -- let's just think it 4 never happened. It's not a big deal. They're going 5 to get the money anyways, the patient -- the client. 6 Because he dropped off the animal at the time.</p> <p>7 They wanted the money at the beginning 8 before he was dropped off as a deposit for ICU care 9 for seizure watch.</p> <p>10 The paper communication was an issue because 11 I wasn't told by the intern to give the paper to the 12 receptionist at the time and I didn't and that was an 13 issue because they wanted me to turn it in which I was 14 never told, instructed to. Because I never did 15 daytime emergency, that was a new thing to me and it 16 wasn't said in the syllabus for those matters.</p> <p>17 I was a bit concerned regarding that. She 18 made it not a big deal. When I read my evaluation 19 grade at the end, it was a huge deal and they actually 20 thought I was lying and that sort of -- part of the 21 reason all those things were happening.</p> <p>22 There was other little incidents. But I did 23 see a big switch of tone and voice. She was -- she 24 played like a laid back person at times but other 25 times she played like nitpicky, like angered, tone of</p>
<p style="text-align: right;">Page 99</p> <p>1 boom (indicating), like that.</p> <p>2 In regards to other angers beside that, 3 there was targeting angers after that like also 4 between those things. But those of the two big ones I 5 felt like that were very like class oriented, they 6 sent to everybody. Then there was, like I mentioned, 7 the humiliation portion where she would say it in 8 front of other people when the targeting was 9 happening.</p> <p>10 Q Anything else?</p> <p>11 A There was -- let me take a pause. Let me 12 try to think if there's some more, other situations. 13 There was a situation I felt there was anger in my 14 evaluation in regards to when I spoke to her in 15 person.</p> <p>16 There was a situation where we were put -- I 17 was put in a private room with an intern that was 18 working with me that day emergency and then there was 19 also her which she mentioned about a situation with a 20 case that we were having that there was a poor 21 communication instruction based on something that I 22 did that was on the syllabus that was supposed to be 23 correct.</p> <p>24 It was based on the time of a patient care 25 and I mentioned there was a syllabus of patient care.</p>	<p style="text-align: right;">Page 101</p> <p>1 voice would switch to anger immediately.</p> <p>2 My final meeting I saw her anger at full 3 throttle. When I mean "full throttle," I saw like the 4 demeanor change completely. She stormed out yelling 5 that this animal could have died. All these things. 6 She stormed out, like she couldn't even speak at that 7 point, like I felt the anger and she stormed out 8 angry. That's when he spoke to Dr. DeMars after that, 9 so.</p> <p>10 Q Anything else?</p> <p>11 A Let's see. When there was things I 12 mentioned earlier with the class when things were to 13 be blamed at the class for doing -- there was other 14 occasions where -- just smaller occasions where they 15 did show bouts of anger or something wasn't done.</p> <p>16 When one was gone, the other one came back 17 and then they were flustered and then they had to do 18 other things, like the other person's clinician. 19 Because one time they had half days and I guess one 20 had to teach or something or I don't know the full 21 situation where they have to go. But one would either 22 have an emergency or something where they had to go 23 and the other one would have to take over.</p> <p>24 You could just tell like there was 25 uneasiness, kind of feeling like hurrying kind of</p>

<p style="text-align: right;">Page 102</p> <p>1 situation or like they would be gone when you're</p> <p>2 trying to communicate and there's no communication</p> <p>3 involvement, like it was a huge problem in general.</p> <p>4 Like communicating with them was quite a hassle and</p> <p>5 then not because of the reaction that they would give</p> <p>6 but sometimes they were like distant, like it was a</p> <p>7 problem.</p> <p>8 Q Anything else?</p> <p>9 A Yes. In regards to the anger, that's what I</p> <p>10 remember at the time. I might get back to that later</p> <p>11 but those are the big ones I would say for now.</p> <p>12 Q Okay. You've listed a number of things that</p> <p>13 you recall that you attribute to anger and to a number</p> <p>14 of other things. I had asked you, I believe the</p> <p>15 question that you were responding to, was how you had</p> <p>16 seen them act out in anger which you had mentioned.</p> <p>17 A Yes.</p> <p>18 Q A lot of what I've heard you describe I</p> <p>19 would categorize as dislike of either Dr. DeMars' or</p> <p>20 Dr. Syp's personality or dislike of their teaching</p> <p>21 style.</p> <p>22 Would you disagree with that categorization?</p> <p>23 A Yes, I disagree.</p> <p>24 Q Okay. How would you describe the list of</p> <p>25 grievances that you've now aired?</p>	<p style="text-align: right;">Page 104</p> <p>1 A No, they did not.</p> <p>2 Q There was no communication between the</p> <p>3 instructor and the class as rounds were being made?</p> <p>4 A In regards to asking questions or answering</p> <p>5 questions?</p> <p>6 Q Yes.</p> <p>7 A Yes, there was.</p> <p>8 Q Did any students ever give incorrect</p> <p>9 answers?</p> <p>10 A Yes.</p> <p>11 Q Were they corrected in front of the group?</p> <p>12 A Yes. On occasion actually. Excuse me. On</p> <p>13 some occasions, yes, they were. Other occasions they</p> <p>14 weren't and we -- they were not talked to about their</p> <p>15 answer. They would just ignore it.</p> <p>16 Q So I think the beginning of this</p> <p>17 conversation started with a question about what your</p> <p>18 relationship was like with your instructors.</p> <p>19 A Yes.</p> <p>20 Q This response has clearly been different</p> <p>21 than the responses you've given about your other</p> <p>22 instructors; is that fair?</p> <p>23 A Yes.</p> <p>24 Q I believe you said that at the beginning it</p> <p>25 was good?</p>
<p style="text-align: right;">Page 103</p> <p>1 A I would list that as uncontrollable emotions</p> <p>2 that shouldn't be brought into a professional</p> <p>3 environment.</p> <p>4 Q Okay. Earlier where we left off was that</p> <p>5 you had indicated that you had felt targeted?</p> <p>6 A Yes.</p> <p>7 Q And that the targeting from Dr. Syp had</p> <p>8 been, when you described it, I believe your words were</p> <p>9 a lack of professionalism when I asked how she had</p> <p>10 targeted you?</p> <p>11 A Yes.</p> <p>12 Q She talked about mistakes you made in front</p> <p>13 of the group?</p> <p>14 A Yes.</p> <p>15 Q That you felt that that was inappropriate?</p> <p>16 A Yes.</p> <p>17 Q And that instead that those concerns should</p> <p>18 have been aired in private?</p> <p>19 A Yes. The reason I said that was because</p> <p>20 everything else that I did in the class with them was</p> <p>21 in private, and that one thing that wasn't private,</p> <p>22 that wasn't necessary to me.</p> <p>23 Q Did the students, when making the rounds,</p> <p>24 communicate out loud as a class between themselves and</p> <p>25 the instructor?</p>	<p style="text-align: right;">Page 105</p> <p>1 A Yes.</p> <p>2 Q At the beginning of the community practice</p> <p>3 rotation your relationship with Dr. Syp and Dr. DeMars</p> <p>4 was good?</p> <p>5 A Individually, yes.</p> <p>6 Q By the time it got to the end of the</p> <p>7 rotation, you described it as something less than</p> <p>8 that?</p> <p>9 A Yes.</p> <p>10 Q Okay. You indicated that you felt like it</p> <p>11 was unprofessional for your instructors to display --</p> <p>12 I don't remember the term you used, but changes, maybe</p> <p>13 you even said wild changes, but fluctuations in</p> <p>14 emotion in front of the class.</p> <p>15 Is that accurate?</p> <p>16 A Yes.</p> <p>17 Q Your instructors are people, yes?</p> <p>18 A Yes.</p> <p>19 Q They're not computers?</p> <p>20 A Yes.</p> <p>21 Q They're not robots?</p> <p>22 A Right.</p> <p>23 Q They experience emotion?</p> <p>24 A Yes.</p> <p>25 Q They experience frustration?</p>

<p style="text-align: right;">Page 106</p> <p>1 A Yes.</p> <p>2 Q Presumably their goal is to educate the</p> <p>3 students that are in the rotation?</p> <p>4 A Yes.</p> <p>5 Q OSU as the sponsor of the clinical program</p> <p>6 has a responsibility to ensure that its students that</p> <p>7 graduate with veterinary degrees are competent, yes?</p> <p>8 A Yes.</p> <p>9 Q Is it unreasonable for an instructor to feel</p> <p>10 frustration if their class is not picking up whatever</p> <p>11 it is they're trying to teach?</p> <p>12 A Can be frustrating, yes, but there's usually</p> <p>13 corrections after that that need to be made or need to</p> <p>14 be said.</p> <p>15 Q Would you agree that there's a wide range of</p> <p>16 how individuals show and display emotion?</p> <p>17 A Yes.</p> <p>18 Q Isn't it possible that Dr. DeMars shows</p> <p>19 emotion in a way that's different from other</p> <p>20 instructors?</p> <p>21 A Yes.</p> <p>22 Q But you're not asking that Dr. DeMars not</p> <p>23 experience or show any emotion; correct?</p> <p>24 A No.</p> <p>25 Q Same for Dr. Syp?</p>	<p style="text-align: right;">Page 108</p> <p>1 other students, can you?</p> <p>2 A No. But from what I've said what we spoke</p> <p>3 with each other about, I'm telling you that we -- we</p> <p>4 were speaking to each other about our frustrations and</p> <p>5 it wasn't just a solo frustration.</p> <p>6 Q So you listed a little bit ago for quite</p> <p>7 some time a number of grievances or issues that you</p> <p>8 had with the teaching style of both Dr. DeMars and</p> <p>9 Dr. Syp?</p> <p>10 A Yes. Are you talking about the field</p> <p>11 process? Just to be sure.</p> <p>12 Q The appeal process?</p> <p>13 A Are you mentioning the grievance regarding</p> <p>14 me trying to talk to Gilmour, the committee?</p> <p>15 Q No. I'm talking about just a little bit ago</p> <p>16 and I would ask anything else and you kept adding to</p> <p>17 that.</p> <p>18 A Yes.</p> <p>19 Q You were detailing a number of issues you</p> <p>20 had --</p> <p>21 A In the rotation, yes.</p> <p>22 Q -- during rotation?</p> <p>23 A Yes.</p> <p>24 Q Correct?</p> <p>25 A Yes. Yes.</p>
<p style="text-align: right;">Page 107</p> <p>1 A Right. Yes. But they -- what I'm trying to</p> <p>2 say, they've shown emotions that were beyond in a</p> <p>3 teaching manner. It wasn't just frustration. It was</p> <p>4 more than that. It wasn't just frustration. It was</p> <p>5 anger.</p> <p>6 Q But that's your opinion?</p> <p>7 A No. When you raise your voice very loud to</p> <p>8 a point that you're intimidating people, then it's not</p> <p>9 just me. It was other students regarding that when we</p> <p>10 spoke to each other during rounds rounds and stuff in</p> <p>11 stuff when they were out, you know, out of the rooms.</p> <p>12 It was a sense of intimidation.</p> <p>13 Q I'm not saying you have to agree with this</p> <p>14 style but isn't it possible that that is a teaching</p> <p>15 style?</p> <p>16 A It can be a teaching style but it's not a</p> <p>17 good teaching style for students.</p> <p>18 Q For you?</p> <p>19 A For multiple -- for I guess all of us if</p> <p>20 that was the case because we were being blamed for</p> <p>21 things that we didn't do. We were being -- there was</p> <p>22 examples as I mentioned individually where we were</p> <p>23 being blamed for past discrepancies with other</p> <p>24 rotations of theirs. And that's concerning to me.</p> <p>25 Q But you can't sit here today and speak for</p>	<p style="text-align: right;">Page 109</p> <p>1 Q Who did you report those concerns to?</p> <p>2 A Dr. Gilmour.</p> <p>3 Q Okay. At what time did you report them?</p> <p>4 A At the end of the rotation.</p> <p>5 Q At the end of the rotation?</p> <p>6 A Yes.</p> <p>7 Q Before or after you received a grade?</p> <p>8 A After I saw my grade.</p> <p>9 Q Okay.</p> <p>10 A Actually, I take that back. I didn't get my</p> <p>11 grade until two or three weeks after that rotation so</p> <p>12 I didn't see my grade fully but I had concerns about</p> <p>13 that rotation in which I reported to Dr. Gilmour.</p> <p>14 Q Did you know what grade you were going to</p> <p>15 receive?</p> <p>16 A Yes, because they said I was not going to</p> <p>17 pass rotation.</p> <p>18 Q Okay.</p> <p>19 A Not the specific grade.</p> <p>20 Q I understand.</p> <p>21 You didn't know what the letter grade would</p> <p>22 be but you knew it was not going to be a passing</p> <p>23 score?</p> <p>24 A Yes.</p> <p>25 Q Do you recall what grade you ended up</p>

<p>1 receiving for the rotation? Page 110</p> <p>2 A Yes. A 68.3.</p> <p>3 Q What was the letter grade?</p> <p>4 A D.</p> <p>5 Q Okay.</p> <p>6 (Defendant's Exhibit 4 was marked for</p> <p>7 identification)</p> <p>8 Q (BY MR. PRATT) I'm going to hand you what is</p> <p>9 marked as Defendant's Exhibit 4. Take a look at that.</p> <p>10 A Yes.</p> <p>11 Q Take a chance to review it and then when you</p> <p>12 can, let me know what that document is.</p> <p>13 A Yes. This is my evaluation for community</p> <p>14 practice, my grade.</p> <p>15 Q It looks similar in form to some of the</p> <p>16 other evaluations we've looked at today, doesn't it?</p> <p>17 A Yes, it does. A little different but it has</p> <p>18 its similarities.</p> <p>19 Q Okay. At the top it indicates that it is</p> <p>20 with regard to you and your performance in the</p> <p>21 community practice rotation, yes?</p> <p>22 A Yes.</p> <p>23 Q And it indicates that the dates of activity</p> <p>24 were February 10th, 2020, to March 1st, 2020; correct?</p> <p>25 A Correct. Yes.</p>	<p>1 Q Okay. And then it shows a total there 25.5; Page 112</p> <p>2 correct?</p> <p>3 A Yes, that's correct.</p> <p>4 Q And that is out of a total of 40 possible</p> <p>5 points?</p> <p>6 A Yes, that's correct.</p> <p>7 Q Okay. Let's go to the next box.</p> <p>8 Can you tell me about that box?</p> <p>9 A Sure. Question 2 of 5 is Pre-Quiz &</p> <p>10 Technical Skills, & End of Rotation Quiz, which is 40</p> <p>11 points total.</p> <p>12 Q Okay. Did you receive scores for that</p> <p>13 particular category?</p> <p>14 A Yes, I did.</p> <p>15 Q Can you tell me with the three breakdown</p> <p>16 scores that you received?</p> <p>17 A Sure. The Pre-Quiz I received 7.4 out of</p> <p>18 10. The Technical Skills I got a 5.6667 out of 10,</p> <p>19 and the End of Rotation Quiz I got a 17.5 out of 20.</p> <p>20 Q That says your Pre-Quiz Subtotal is 30.567;</p> <p>21 correct?</p> <p>22 A That's correct.</p> <p>23 Q Out of 40?</p> <p>24 A Yes.</p> <p>25 Q The third box is what?</p>
<p>1 Q Okay. Now, unless I'm missing it, I don't Page 111</p> <p>2 believe -- while it has boxes similar to the other</p> <p>3 form, it does not have the scale at the top.</p> <p>4 A It does not.</p> <p>5 Q So it's slightly different in how it is</p> <p>6 scored; correct?</p> <p>7 A Yes, that's correct.</p> <p>8 Q Okay. So on this form, I believe there are</p> <p>9 five -- it says there are five questions. I don't</p> <p>10 know that that's an accurate description because I</p> <p>11 think the fifth question is actually a box for</p> <p>12 comments.</p> <p>13 Does that make sense?</p> <p>14 A Yes.</p> <p>15 Q So let's start with the first four.</p> <p>16 What is the first box of the evaluation?</p> <p>17 A Sure. The first box is Subjective</p> <p>18 Evaluation of Wellness appointments and Non-wellness</p> <p>19 appointments.</p> <p>20 Q Okay. Did you receive a score for those?</p> <p>21 A I did, yes.</p> <p>22 Q What were the scores that you received?</p> <p>23 A The wellness appointments was 13.5 out of 20</p> <p>24 and then the non-wellness appointments was 12 out of</p> <p>25 20.</p>	<p>1 A Professionalism/Work Ethic out of 20 points. Page 113</p> <p>2 Q What was your score?</p> <p>3 A 12.25 out of 20.</p> <p>4 Q Okay. Question 4 isn't really a question</p> <p>5 again. That's one that seems to be coming to a sum of</p> <p>6 what the total points were.</p> <p>7 Does that appear to be accurate to you?</p> <p>8 A Yes.</p> <p>9 Q What were your total points?</p> <p>10 A 68.317.</p> <p>11 Q Which resulted in a letter grade of?</p> <p>12 A Of D.</p> <p>13 Q Okay. Now, if you'll turn to the next page.</p> <p>14 A Yes.</p> <p>15 Q It appears to be a full page of commentary.</p> <p>16 A Yes.</p> <p>17 Q If I'm not mistaken, approximately the first</p> <p>18 half of the page reflects commentary provided by</p> <p>19 Dr. Syp?</p> <p>20 A Yes.</p> <p>21 Q And the bottom half of the page provides</p> <p>22 commentary by Dr. DeMars?</p> <p>23 A Yes. That's correct.</p> <p>24 Q Okay. Starting with the top of the first</p> <p>25 half which would have been Dr. Syp's evaluation</p>

<p style="text-align: right;">Page 114</p> <p>1 comments, would you read the first paragraph, please?</p> <p>2 A Sure.</p> <p>3 "Jonathan, as we have discussed, I believe</p> <p>4 it is in your best interest to repeat the</p> <p>5 CP rotation. I have based this decision on</p> <p>6 the syllabus and the described entrustable</p> <p>7 activities that are a basic expectation for</p> <p>8 all CP students. It is my opinion that many</p> <p>9 areas of your performance need improvement.</p> <p>10 I will use the following examples to</p> <p>11 highlight my concerns. These examples, some</p> <p>12 big, some small, concern me deeply."</p> <p>13 Q Thank you. Just so we have a clear record,</p> <p>14 when you use the initials CP rotation, that presumably</p> <p>15 is community practice rotation; is that correct?</p> <p>16 A Yes. That's correct.</p> <p>17 Q Okay. Would you go ahead and read the</p> <p>18 second paragraph, please?</p> <p>19 A Sure.</p> <p>20 "I know that you can become a competent if</p> <p>21 not great veterinarian. I simply think you need more</p> <p>22 coaching. When we discussed these issues and opinions</p> <p>23 in weeks 2 and 3, I found that you were unwilling to</p> <p>24 take on the role of a learner. In fact, I believe you</p> <p>25 are overconfident in your abilities/knowledge base</p>	<p style="text-align: right;">Page 116</p> <p>1 and interpret these timely and accurately.</p> <p>2 5. Effectively communicate vital</p> <p>3 information about the case to stakeholders</p> <p>4 including but not limited to clients,</p> <p>5 students, nurses, staff members and faculty.</p> <p>6 7. Effectively communicate vital</p> <p>7 information, including but not limited to</p> <p>8 diagnostics, and case follow up, to clients</p> <p>9 and team members. And lastly, Demonstrate</p> <p>10 Professional/Ethical Behavior and Work</p> <p>11 Ethic.</p> <p>12 Q Thank you. That's a pretty specific list,</p> <p>13 would you agree?</p> <p>14 A Yes.</p> <p>15 Q I forgot what number you ended on, maybe 8?</p> <p>16 A I think was eight, yes.</p> <p>17 Q Eight specific categories of areas that she</p> <p>18 felt you needed to improve?</p> <p>19 A Yes.</p> <p>20 Q Yet up above she still says to you that she</p> <p>21 thinks "that you can become a competent, if not great,</p> <p>22 veterinarian"?</p> <p>23 A Yes, that's correct.</p> <p>24 Q Did you believe when she said that?</p> <p>25 A I did, yes.</p>
<p style="text-align: right;">Page 115</p> <p>1 which makes this situation even more critical. If</p> <p>2 you're not willing to learn, to be open to a real</p> <p>3 coaching experience meant to mold you into a good</p> <p>4 veterinarian, what type of practitioner will you</p> <p>5 become?"</p> <p>6 Q Thank you. Then the next three paragraphs</p> <p>7 set forth examples that Dr. Syp points to with regard</p> <p>8 to specific animals that you provided treatment to; is</p> <p>9 that correct?</p> <p>10 A Yes, that's correct.</p> <p>11 Q And she concludes by starting with a</p> <p>12 paragraph that starts with "Therefore."</p> <p>13 Would you read that paragraph for me,</p> <p>14 please?</p> <p>15 A Sure.</p> <p>16 "Therefore, I am not passing you because I</p> <p>17 believe you are unable to successfully:" --</p> <p>18 and there's a list of things starting with</p> <p>19 the first -- "-Effectively communicate</p> <p>20 information to the supervising doctor. 2.</p> <p>21 Perform a physical and accurately identify</p> <p>22 abnormalities and communicate these to the</p> <p>23 client and the supervising doctor. 3.</p> <p>24 Develop and implement a treatment plan for a</p> <p>25 sick patient. 4. Develop a diagnostic plan</p>	<p style="text-align: right;">Page 117</p> <p>1 Q Does that sound like someone who wants to</p> <p>2 target you or has it out for you?</p> <p>3 A No, it doesn't. Which I was shocked because</p> <p>4 the way I was treated was targeting.</p> <p>5 Q In your opinion?</p> <p>6 A No. It was targeting. Well, in my opinion</p> <p>7 but, you know, I've been in school for many years. I</p> <p>8 know when it's targeting.</p> <p>9 Q How do you know when it's targeting?</p> <p>10 A When my evaluation showed or explained the</p> <p>11 certain examples that's not what was reflected when I</p> <p>12 spoke to her.</p> <p>13 Q You're saying your conversations with</p> <p>14 Dr. Syp differ from what she put in your evaluation?</p> <p>15 A Yes.</p> <p>16 Q Okay. Now, I'm a little unsure about where</p> <p>17 this fits because it appears, in my opinion, to likely</p> <p>18 be part of Dr. Syp's evaluation but that may be my</p> <p>19 presumption.</p> <p>20 A Yes.</p> <p>21 Q It is hard to tell. The reason I think that</p> <p>22 is because it is before the date of the one below</p> <p>23 which leads me to think it was part of Dr. Syp's</p> <p>24 evaluation.</p> <p>25 A It was, yes.</p>

<p style="text-align: right;">Page 118</p> <p>1 Q Okay. It's a single sentence.</p> <p>2 Would you please read that for us?</p> <p>3 A Sure.</p> <p>4 The one after LAS?</p> <p>5 Q Yes.</p> <p>6 A "More than one occasion where this student</p> <p>7 was not telling the truth regarding what he</p> <p>8 had or had not done concerning patient</p> <p>9 care."</p> <p>10 Q Okay. So I don't know if that was meant to</p> <p>11 be No. 9 on the list?</p> <p>12 A I'm not sure.</p> <p>13 Q If it was an afterthought?</p> <p>14 A Maybe an afterthought.</p> <p>15 Q It's unclear?</p> <p>16 A Not sure.</p> <p>17 Q But it's in the evaluation?</p> <p>18 A Yes, it is.</p> <p>19 Q Dr. DeMars' evaluation follows and it has a</p> <p>20 very similar structure, would you agree?</p> <p>21 A Yes, it does.</p> <p>22 Q Kind of an introductory paragraph?</p> <p>23 A Yes.</p> <p>24 Q And then multiple examples of animals that</p> <p>25 you provided treatment to?</p>	<p style="text-align: right;">Page 120</p> <p>1 were saying, instead became defensive and</p> <p>2 argumentative. While I understand the</p> <p>3 upsetting nature of the topic and the fear</p> <p>4 of consequences, this was an unexpected</p> <p>5 response to what I considered a very good</p> <p>6 relationship we had developed over the</p> <p>7 weeks. I hope you believe that we sincerely</p> <p>8 want to see you succeed and wish to coach</p> <p>9 you to success."</p> <p>10 Q Thank you. Much like Dr. Syp, while he is</p> <p>11 critical of some of your performance during the</p> <p>12 rotation, he also focuses on some positive attributes,</p> <p>13 does he not?</p> <p>14 A Yes, he does.</p> <p>15 Q Does that evaluation read to you as someone</p> <p>16 who was targeting you?</p> <p>17 A If you read the rest of the examples, it</p> <p>18 does.</p> <p>19 Q I want to be clear. I'm not skipping over</p> <p>20 the examples to not include them in what you're</p> <p>21 reading as part of the record. I skipped over them</p> <p>22 because I do understand that you disagree with the</p> <p>23 instructors.</p> <p>24 A I do.</p> <p>25 Q They believed that something should have</p>
<p style="text-align: right;">Page 119</p> <p>1 A Yes.</p> <p>2 Q In the middle of the evaluation, there's a</p> <p>3 paragraph that starts with "While".</p> <p>4 Would you read that for us, please?</p> <p>5 A Sure.</p> <p>6 "While you performed acceptably on other</p> <p>7 appointments during the rotation, these</p> <p>8 specific examples are the greatest influence</p> <p>9 on assigning a failing grade. Wellness and</p> <p>10 dermatology are the two most important</p> <p>11 appointment types I expect a primary care</p> <p>12 veterinarian to be able to successfully</p> <p>13 manage. Overall you saw nine cases with me</p> <p>14 in three weeks; five wellness, three</p> <p>15 dermatologic, and two others. Seeking</p> <p>16 feedback from Dr. Irizarry she brought up an</p> <p>17 example of failed trust as well."</p> <p>18 Q Okay. If you could just finish up and read</p> <p>19 the final paragraph beginning with "Finally".</p> <p>20 A Sure.</p> <p>21 "Finally, your response to our feedback and</p> <p>22 attempts to illustrate to you our concerns</p> <p>23 is an issue. We discussed these issues at</p> <p>24 least for at least 30 minutes. At no time</p> <p>25 did you appear to listen and accept what we</p>	<p style="text-align: right;">Page 121</p> <p>1 been done one way and they are critical of the way</p> <p>2 that you did it?</p> <p>3 A Yes. And partially the reason I felt was</p> <p>4 not fair is I was being blamed for other people's</p> <p>5 cases that were not mine, in my final meeting of when</p> <p>6 they determined my grade and my performance.</p> <p>7 And also, it relates to the examples that</p> <p>8 they did give of the cases that they had issues with</p> <p>9 or they gave me feedback for were not reflective of</p> <p>10 what I did sometimes and I felt that wasn't very fair.</p> <p>11 They wouldn't let me speak about those</p> <p>12 issues I had with them. They didn't give me a podium</p> <p>13 to talk about disagreements.</p> <p>14 Q I want to make sure that you feel as if I'm</p> <p>15 hearing because I do understand that you disagree with</p> <p>16 their assessment of your performance.</p> <p>17 A Yes.</p> <p>18 Q I think based on what we see in the</p> <p>19 evaluation it's clear that they disagree with your</p> <p>20 assessment of your performance; correct?</p> <p>21 A Yes.</p> <p>22 Q So with this evaluation, we know that you</p> <p>23 have now received your second D for a rotation, so</p> <p>24 that's two D's within the same year.</p> <p>25 You read I believe Dr. Gilmour's letter</p>

<p style="text-align: right;">Page 122</p> <p>1 earlier that referenced that you were on probation?</p> <p>2 A Yes, I did.</p> <p>3 Q And that if another D or F was received that</p> <p>4 it would have consequences; is that correct?</p> <p>5 A That is correct, yes.</p> <p>6 Q Okay. So after you received this D, what</p> <p>7 happened?</p> <p>8 A After I received this D, in my final meeting</p> <p>9 I told them both that there was a lot of things I</p> <p>10 didn't agree with, what they were mentioning and as</p> <p>11 much as I thought I had good relationship with them, I</p> <p>12 felt that there was definitely some holes in</p> <p>13 communication and I mentioned that. It was a big</p> <p>14 thing.</p> <p>15 Communication was a big problem with this</p> <p>16 rotation, not just -- I'm talking speaking for myself</p> <p>17 it's been a problem. But for others I've heard</p> <p>18 problems as well for them. But for me it was a huge</p> <p>19 problem.</p> <p>20 Q When did you convey this to?</p> <p>21 A I spoke to both Syp and DeMars about that in</p> <p>22 the third week meeting.</p> <p>23 Q Okay. And then you were told that you would</p> <p>24 not be passing the rotation?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 Professional Standards Committee review?</p> <p>2 A Yes, it did.</p> <p>3 Q Okay.</p> <p>4 A But it didn't -- can I elaborate on that a</p> <p>5 little more?</p> <p>6 Q Sure. Yes.</p> <p>7 A It didn't at the time because I started an</p> <p>8 appeal process for this grade (indicating) and I spoke</p> <p>9 to Dr. Gilmour at first.</p> <p>10 She mentioned that I should speak to the PSC</p> <p>11 committee or, sorry, the PSC for short, about these</p> <p>12 concerns of me and the program and what is going on</p> <p>13 with my performance, why am I performing this way to</p> <p>14 kind of explain a little bit of what's going on.</p> <p>15 Q Okay. So the first D you received, we</p> <p>16 talked about that was an automatic PSC review?</p> <p>17 A That's correct, yes.</p> <p>18 Q You received a letter, said that you were</p> <p>19 placed on probation?</p> <p>20 A Yes.</p> <p>21 Q You would proceed in the program?</p> <p>22 A Uh-huh.</p> <p>23 Q And another receipt of D or F would have --</p> <p>24 I think it had a list different potential</p> <p>25 consequences?</p>
<p style="text-align: right;">Page 123</p> <p>1 Q You didn't know what your grade was going to</p> <p>2 be necessarily but you knew that it was not going to</p> <p>3 be a passing grade?</p> <p>4 A That is correct, yes.</p> <p>5 Q When you became aware that you had received</p> <p>6 a D, what happened from there?</p> <p>7 A I was concerned just like he mentioned in</p> <p>8 his final paragraph. I mean, he mentioned that it is</p> <p>9 it is upsetting nature -- it's normal to be an</p> <p>10 upsetting nature, topic, fear of consequences.</p> <p>11 However, I was trying to explain the examples that</p> <p>12 they mentioned to me in the meeting of their cases as</p> <p>13 they mentioned here.</p> <p>14 And there was a disagreement because I felt</p> <p>15 when I did explain the things to them, they were not</p> <p>16 accepting what I had to say of what happened, actually</p> <p>17 happened.</p> <p>18 Q When you received the D, did it</p> <p>19 automatically trigger another Professional Standards</p> <p>20 Committee review?</p> <p>21 A Say that again. Sorry. Can you repeat</p> <p>22 that?</p> <p>23 Q Yes.</p> <p>24 Upon receiving this grade of D, for the</p> <p>25 community practice rotation, did it trigger another</p>	<p style="text-align: right;">Page 125</p> <p>1 A Yes. And I think we mentioned, too, in the</p> <p>2 letter, there were choices that could have been made</p> <p>3 beside the quick -- the agreement and this was my</p> <p>4 first rotation, that they chose to do it immediately</p> <p>5 academic probation where they could have just let me</p> <p>6 repeat a rotation, let me continue on the program.</p> <p>7 That was one of the choices.</p> <p>8 Q Okay. So this time around, was it another</p> <p>9 automatic PSC review?</p> <p>10 A I wasn't sure about the review. But when he</p> <p>11 spoke to Dr. Gilmour of my issues and I was trying to</p> <p>12 show her evidence of my problems with these examples</p> <p>13 that they were giving me, I didn't have this</p> <p>14 evaluation (indicating) until once again two weeks</p> <p>15 after.</p> <p>16 But from the meeting that they presented to</p> <p>17 me in the third week meeting, they were showing a</p> <p>18 couple of these, and I -- I started finding evidence</p> <p>19 saying, hey, I did do this. I did do these things,</p> <p>20 patient care. I did do this at this time, you know.</p> <p>21 There was just like certain discrepancies</p> <p>22 like of what they felt that I guess weren't up to</p> <p>23 their level of I guess education, but I did do those</p> <p>24 things and they were telling me I didn't or, you know,</p> <p>25 there was just details that were not -- we were not --</p>

<p style="text-align: right;">Page 126</p> <p>1 there was not agreement nor did they allow me to 2 present to them this evidence. 3 Q Okay. So to make sure I'm understanding, 4 you had had a meeting with Dr. Syp and Dr. DeMars? 5 A Yes. So just a little quick background. 6 That rotation involves two meetings for feedback. I 7 wasn't given any feedback besides those two meetings. 8 Q Okay. 9 A The only feedback I got was in my second 10 week meeting. This is where they put you in a room in 11 private and you talk to them both and they're like -- 12 and this was in DeMars' office, both of them were, 13 where we spoke of, you know, how I was doing, 14 everything, of how is everything going, everything. 15 I wasn't given any feedback on my cases at 16 all during each of my cases before or after. 17 Q Okay. But after the second meeting you had 18 with them, you knew that you were not getting a 19 passing grade? 20 A On the third meeting. 21 Q Third meeting? 22 A Yes. 23 Q Third meeting you had --- 24 A The third week meeting. Excuse me. There 25 was only two meetings.</p>	<p style="text-align: right;">Page 128</p> <p>1 the PSC for review, did you have an opportunity to 2 meet with them and discuss? 3 A I did, yes. 4 Q Okay. So this was different, a different 5 process than the first D you received? 6 A That is correct, yes. I had no opportunity 7 to see the PSC, the first rotation. 8 Q Correct. 9 A Yes. 10 Q So the second go round you did? 11 A Yes, I did. 12 Q Did you meet with anyone in advance of 13 meeting with the PSC in terms of discussing what that 14 process was going to look like or, you know, what to 15 expect? 16 A I did speak to my advisor Dr. Holyoak 17 regarding my issues with the rotation because this is 18 what started the process of talking to Gilmour for the 19 appeal process. 20 After I spoke to him about my situation, he 21 pushed me to appeal. He wanted me to appeal because 22 he thought it was ridiculous. 23 Q So you talked to Dr. Holyoak? 24 A Yes. 25 Q And then that led to talking to Dr. Gilmour?</p>
<p style="text-align: right;">Page 127</p> <p>1 Q But it was the third week? 2 A Yes. 3 Q You had a meeting with them? 4 A Yes. 5 Q You walked out of that meeting knowing I did 6 not pass this rotation? 7 A Right. Yes. 8 Q And you make contact with Margi Gilmour to 9 say, they're saying some things that I disagree with? 10 A Yes. 11 Q So I'm understanding you? 12 A Yes. And when I was trying to explain to 13 them those situations, they didn't want to hear it. 14 Q Right. You conveyed that to her? 15 A Yes, I did. 16 Q Okay. So the PSC process the first time was 17 they issued you a letter? They reviewed your grade 18 and they issued you a letter? 19 A Yes. In October. So about two months after 20 I received this letter. 21 Q The second D was going to the PSC for 22 review, did you this time just receive a letter or did 23 you have an opportunity to meet with them? 24 A Sorry. Say that again. 25 Q The second D you received, when it went to</p>	<p style="text-align: right;">Page 129</p> <p>1 A Yes. 2 Q So did you meet with her about what the 3 meeting with the PSC was going to look like? 4 A Yes. She mentioned briefly what it was 5 going to be like. 6 Q Okay. And ultimately did you meet with the 7 PSC? 8 A I did, yes. 9 Q Can you describe that meeting for me? 10 A Sure. It involved multiple clinicians from 11 the school, veterinarians that worked at the school 12 and taught. Also involved was a chairman or chairmen 13 which is the leader of the group. 14 We spoke in a conference room about my 15 issues of what was going on with my performance, 16 everything. Dr. Gilmour was also observing inside the 17 room. 18 But what i didn't know was I was able to 19 bring my advisor with me or someone who worked at the 20 school to be with me. They never -- she never 21 explained that to me. 22 Q So what was the structure of the meeting? 23 What did it look like? 24 A Sort of like this room. You know, there was 25 chairs around a big square table, a round table. We</p>

<p style="text-align: right;">Page 130</p> <p>1 all sat down. They gave me a chance to speak about my 2 issues I was having with the program of why I wasn't 3 performing. 4 They kind of put me on a podium of the 5 situation and I explained everything to Gilmour of my 6 issues I was having in this specific rotation. 7 When I asked her, did you mention -- did 8 you -- because she communicates with them. That's 9 like her job is to communicate with PSC as well 10 because she's part of the student affairs, so she 11 speaks about the grades and everything with the 12 students, of the students to the PSC. 13 When I mentioned to her, did you explain the 14 situation I was having, so maybe we can speed up a 15 little bit of this meeting so I don't have to go in 16 detail every little incident I had, you know, that I 17 had in this rotation, and she said, no, I didn't. 18 So I tried to speak in detail of every 19 situation but, I mean, the time was -- the time frame 20 was too short, in my opinion. 21 Q How long was it? 22 A I would say a little over 30 minutes, 45 23 minutes. 24 Q Okay. And you didn't feel like that was 25 enough time to express your concerns?</p>	<p style="text-align: right;">Page 132</p> <p>1 There was a few questions where it did 2 concentrate but it was -- it just stopped after 3 awhile. That's when I saw kind of people's faces. I 4 think I mentioned in your interrogatories that you 5 asked, I noticed there was just unfocused behavior, 6 like I saw their faces when I was giving eye contact 7 to most of them that a lot of them were smirking. 8 Some of them where just like shaking their head like 9 this (indicating), like I-don't-want-to-hear-this kind 10 of attitude. One was just like not even looking, just 11 like this (indicating), like bored kind of exteriors. 12 So that kind of gave me a bad depiction of 13 what -- you know, this is the administration that 14 deals with people and grading. I just felt like I -- 15 I just -- they didn't want to hear it anymore. And 16 then at that point when I was still talking but it 17 just -- I just felt it wasn't going anywhere and I 18 just ended it. 19 I'm like, well, is there -- they were like, 20 is there anything else? 21 And I said, no. I mean, I'm like, I think 22 we're done. Because I felt like there was no reason 23 to talk anymore. 24 Q Okay. Did they provide you with their 25 decision at the end of that meeting?</p>
<p style="text-align: right;">Page 131</p> <p>1 A No. Because in general I felt it was 2 regarding my whole program and I've already been 3 through seven, eight rotations already. I felt that, 4 you know, it wasn't enough to talk about not just one 5 rotation when they wanted to hear about the whole 6 thing, so that included my first rotation which I did 7 receive a D, so. 8 I mentioned my father and the car accident 9 and things like that, so my performance. 10 Q Did they ask questions or was it just an 11 open forum for you to express what was on your mind? 12 A Honestly, they did ask a few questions but 13 there wasn't a lot of questions. They kind of let me 14 talk but there was no -- I felt like there was no 15 structure, like they weren't asking like specific 16 questions where I can zoom in. 17 They just like kind of put me in. 18 Okay. What do you have to say kind of 19 thing, situation. But I didn't know what they wanted 20 to know, you know. 21 So there was no guidance. There was no 22 structure in the meeting. So there was ongoing 23 tangents or there just wasn't -- there was no focus. 24 There was no concentration regarding what they were 25 asking.</p>	<p style="text-align: right;">Page 133</p> <p>1 A No. 2 Q Okay. What ultimately was the result of 3 that meeting? 4 A The result of that meeting, which I got 5 during my small animal surgery rotation which was my 6 next rotation after community practice is like about 7 my first or second week in they decided that I should 8 be dismissed from the program. 9 Q Okay. How were you made aware of that 10 decision? 11 A I got an email just like this one 12 (indicating) from Dr. Gilmour. 13 (Defendant's Exhibit 5 was marked for 14 identification) 15 Q (BY MR. PRATT) I'm going to hand you what's 16 marked as Defendant's Exhibit 5, produced through 17 discovery as Board90. 18 A Sure. 19 Q Can you take a look at that and see if you 20 recognize that document? 21 A Yes, I do. 22 Q What is this? 23 A This is my dismissal letter from Dr. Gilmour 24 mentioning, yeah, my dismissal from the program. 25 Q This is dated March 23rd, 2020 addressed to</p>

<p>Page 134</p> <p>1 you.</p> <p>2 A Yes.</p> <p>3 Q And if you can go ahead and read for us what</p> <p>4 this says.</p> <p>5 A Sure.</p> <p>6 "Dear Jonathan, the Professional Standards</p> <p>7 Committee, after meeting and deliberating on</p> <p>8 March 18th, recommended dismissal from the</p> <p>9 CVM professional program. This unanimous</p> <p>10 decision was based on repeated poor academic</p> <p>11 performance, lack of accountability for</p> <p>12 clinical errors in multiple rotations,</p> <p>13 recurrent unprofessional behavior, and</p> <p>14 inability to take constructive criticism to</p> <p>15 improve professional and clinical skills.</p> <p>16 The Committee did not find mitigating</p> <p>17 circumstances sufficient to explain the</p> <p>18 concerns above. The Committee's</p> <p>19 recommendation for dismissal has been</p> <p>20 accepted by the Dean. Per CVM policy, you</p> <p>21 may file a written appeal to the Dean within</p> <p>22 five working days of receipt of this letter.</p> <p>23 Mr. Emsley can assist you with placement</p> <p>24 options for the remaining portion of your</p> <p>25 clinical year requirements. Sincerely,</p>	<p>Page 136</p> <p>1 Q What would you describe that as?</p> <p>2 A I described kind of what happened in letter</p> <p>3 now, like it was much easier to speak about it in</p> <p>4 letter than it was in the meeting because I felt like</p> <p>5 there was not enough time in the meeting as I</p> <p>6 mentioned in the letter as well.</p> <p>7 So I kind of explained my situation of what</p> <p>8 I was trying to prove in the meeting and what I was</p> <p>9 trying to convey in the meeting situation to the Dean</p> <p>10 and to the PSE to understand what was going on.</p> <p>11 Q Did you feel as if you had been treated</p> <p>12 unfairly by the PSC?</p> <p>13 A Yes.</p> <p>14 Q How so?</p> <p>15 A As I mentioned in the last question you</p> <p>16 asked regarding the time and everything, I felt there</p> <p>17 was not enough time. I also felt, as I mentioned, the</p> <p>18 faces when I was watching, getting eye contact, that</p> <p>19 they did not seem to care what I had to say based on</p> <p>20 their professionalism, their showing of, you know,</p> <p>21 concerns based on their body language and facial</p> <p>22 expressions.</p> <p>23 Q So body language and facial expressions of</p> <p>24 the PSC members who were not your instructors;</p> <p>25 correct?</p>
<p>Page 135</p> <p>1 Margi Gilmour."</p> <p>2 Q Okay. So this was dated March 23rd. That</p> <p>3 was not quite a week after the meeting that you had</p> <p>4 with them, I believe.</p> <p>5 A Yes. And I had the meeting with them during</p> <p>6 my small animal surgery rotation, yes.</p> <p>7 Q Okay. That's what I was going to ask.</p> <p>8 You had moved on to a different rotation?</p> <p>9 A Yes, I did.</p> <p>10 Q And you were currently performing in that</p> <p>11 rotation when you received this?</p> <p>12 A Yes.</p> <p>13 Q What steps did you take after receiving this</p> <p>14 letter?</p> <p>15 A After receiving this letter, I took the next</p> <p>16 step to write an appeal to the dean, Dr. Risco.</p> <p>17 Q Obviously that's documented in this letter.</p> <p>18 Is that how you became aware of the fact</p> <p>19 that you could take that next step?</p> <p>20 A Yes.</p> <p>21 Q And so you drafted a letter to the Dean?</p> <p>22 A Yes, I did.</p> <p>23 Q As we sit here today, do you recall the</p> <p>24 basis of your appeal?</p> <p>25 A I do, yes.</p>	<p>Page 137</p> <p>1 A That is correct, yes.</p> <p>2 Q You believed them to be unprofessional and</p> <p>3 uncaring?</p> <p>4 A In my situation, yes.</p> <p>5 Q Okay.</p> <p>6 A I don't know them prior. I know -- I knew</p> <p>7 that they taught veterinary classes, the didactic</p> <p>8 portion in their program but I did not know them.</p> <p>9 Q And I believe you said ---</p> <p>10 A That were present in the meeting. There was</p> <p>11 one that wasn't present in the meeting and that's the</p> <p>12 one I actually knew because I was in their rotation</p> <p>13 with him which was small animal surgery rotation.</p> <p>14 Q So I want to follow-up on something real</p> <p>15 quick.</p> <p>16 You said on a couple of occasions and I do</p> <p>17 believe you mention this in your complaint, that you</p> <p>18 were not given enough time with the PSC to describe</p> <p>19 the circumstances as you saw them?</p> <p>20 A Yes.</p> <p>21 Q You've also said you don't know for sure how</p> <p>22 long the meeting lasted but you would estimate between</p> <p>23 30 and 45 minutes; is that accurate?</p> <p>24 A Yes. I would say probably maybe a little</p> <p>25 over 45 minutes. Regarding to talk about the entire</p>

<p style="text-align: right;">Page 138</p> <p>1 program that I was in instead of just that one</p> <p>2 rotation I feel, yeah, there was not enough time.</p> <p>3 Q I also believe you said that you concluded</p> <p>4 the portion of which you were talking by saying,</p> <p>5 there's nothing else. I'm done. You didn't think</p> <p>6 they were listening to you but you elected to make the</p> <p>7 decision to end that meeting?</p> <p>8 A I still continued on. They actually said,</p> <p>9 okay. I think we are finished here. So they actually</p> <p>10 did finish. I was -- in my head, that's what I felt</p> <p>11 but I still continued on and just push it through</p> <p>12 because this is my opportunity and I had to just</p> <p>13 continue doing it.</p> <p>14 But Dr. -- I believe his name was Mason, he</p> <p>15 was the chairman. He was the one in charge of the</p> <p>16 committee. He ended me and said, okay. I think -- I</p> <p>17 think we're done.</p> <p>18 Q And that is at some point you think probably</p> <p>19 in excess of 45 minutes into the meeting?</p> <p>20 A Yes.</p> <p>21 Q Okay.</p> <p>22 A And I wasn't told prior how long this</p> <p>23 meeting was going to be or anything. There was no</p> <p>24 time frame. I wasn't given, okay, you have one hour.</p> <p>25 No.</p>	<p style="text-align: right;">Page 140</p> <p>1 that led to this point, as well as my action</p> <p>2 plan to improve on my performance in the</p> <p>3 program."</p> <p>4 Q Okay. So stopping there.</p> <p>5 You were letting the Dean know that you're</p> <p>6 appealing?</p> <p>7 A Yes.</p> <p>8 Q And you're also acknowledging that you need</p> <p>9 to take steps by way of an action plan to improve your</p> <p>10 performance; is that accurate?</p> <p>11 A I'm -- yes. I'm choosing that because I</p> <p>12 feel that's what they want to hear.</p> <p>13 Q So you weren't genuine in this statement?</p> <p>14 A I was genuine but I felt I was being ignored</p> <p>15 on the issues I was having with the other rotations.</p> <p>16 Q So you said what you believed they wanted to</p> <p>17 hear in an effort to remain in the program?</p> <p>18 A No.</p> <p>19 Q Is that not what you said?</p> <p>20 A No, I did not say that. I mentioned I do</p> <p>21 feel genuine what I was saying and I do appreciate the</p> <p>22 plan I was doing. I do want that but I felt I was</p> <p>23 ignored on the issues I was having in my rotations.</p> <p>24 Q And I understand that.</p> <p>25 You felt as if your instructors in community</p>
<p style="text-align: right;">Page 139</p> <p>1 Q Okay.</p> <p>2 (Defendant's Exhibit 6 was marked for</p> <p>3 identification)</p> <p>4 Q (BY MR. PRATT) I'm going to hand you what is</p> <p>5 marked as Defendant's Exhibit 6 and previously</p> <p>6 produced in discovery as Board280.</p> <p>7 A Okay.</p> <p>8 Q Take a look at this.</p> <p>9 A Sure.</p> <p>10 Q Is this familiar to you?</p> <p>11 A Yes.</p> <p>12 Q What is this?</p> <p>13 A This is the letter I -- this is my appeal</p> <p>14 letter that I gave to Dr. Risco and to the members of</p> <p>15 the PSC which is Professional Standards Committee</p> <p>16 regarding my dismissal notice.</p> <p>17 Q Well, as we often do, let's start with the</p> <p>18 first paragraph.</p> <p>19 A Sure.</p> <p>20 Q Would you read that for us?</p> <p>21 A Sure.</p> <p>22 "I am writing to appeal my academic</p> <p>23 dismissal from the CVM Program at OSU.</p> <p>24 Thank you for allowing me to have the</p> <p>25 opportunity to explain the circumstances</p>	<p style="text-align: right;">Page 141</p> <p>1 practice --</p> <p>2 A Yes.</p> <p>3 Q -- did not listen to your concerns?</p> <p>4 A And nor did Margi Gilmour either.</p> <p>5 Q Nor did Margi Gilmour?</p> <p>6 A No.</p> <p>7 Q Nor did the PSC?</p> <p>8 A Even when I provided the proof to Margi</p> <p>9 Gilmour and she took copies of it.</p> <p>10 Q I understand.</p> <p>11 You didn't receive the response that you</p> <p>12 wanted from your instructors, from Margi Gilmour or</p> <p>13 from the PSC?</p> <p>14 A There was no response nor concerns.</p> <p>15 Q Okay.</p> <p>16 A Yeah. Not the response I want to hear nor</p> <p>17 concerns, both. Like she didn't go further into what</p> <p>18 happened. That's what I was concerned with.</p> <p>19 Q Let's jump down to where you begin a</p> <p>20 paragraph "On my Community Practice rotation."</p> <p>21 Would you read that paragraph?</p> <p>22 A Yes.</p> <p>23 "On my Community Practice rotation, I got</p> <p>24 caught up in miscommunications leading to</p> <p>25 ambiguities and misunderstandings. This</p>

<p>Page 142</p> <p>1 caused me to become stressed with fear of 2 getting involved in another misunderstanding 3 that led to my failure of the rotation. I 4 truly internalized the constructive 5 criticism and attempted to correct various 6 issues on my own. In retrospect, I should 7 have increased my communication with my 8 professors and asked for assistance when 9 needed."</p> <p>10 Q Where in here do you talk about the lack of 11 professionalism on the parts of Dr. Syp and 12 Dr. DeMars?</p> <p>13 A I spoke to Dr. Gilmour regarding those 14 concerns.</p> <p>15 Q Well, here when you're talking about the 16 community practice rotation, you talk about getting 17 caught up in miscommunications and misunderstandings, 18 that you were stressed and worried about more of the 19 same of the misunderstandings.</p> <p>20 A Right.</p> <p>21 Q And that you had "truly internalized the 22 constructive criticism and attempted to correct 23 various issues on my own." That very much sounds 24 like, for lack of a better term, falling on the sword 25 to say it was my fault.</p>	<p>Page 144</p> <p>1 speak to them again, she says, no, don't. You don't 2 need to speak to them. They're flustered already. I 3 think it's best you don't.</p> <p>4 She didn't even mention that she was going 5 to speak to them.</p> <p>6 I said, oh, are you going to speak to them? 7 And she said, I'll see what I can do. And 8 she immediately just said, there's nothing I can do 9 that same -- while we're in the meeting. She says, 10 actually, there's nothing I can do.</p> <p>11 Q So first off, I appreciate your honesty. 12 You've said, I wasn't entirely genuine when I wrote 13 this. I just wanted to say what I needed to say 14 because that's what they wanted to hear?</p> <p>15 A Sadly. Sadly, I couldn't be genuine. I 16 had -- I couldn't be genuine in regards because 17 everything I was mentioning was ignored.</p> <p>18 Q Okay. And the part here that we just talked 19 about that you were not necessarily genuine about was 20 the chalking it up to miscommunications, 21 misunderstandings --</p> <p>22 A Right.</p> <p>23 Q -- and that you "truly internalized the 24 constructive criticism"? Those were the things that 25 you have kind of said were what you thought they</p>
<p>Page 143</p> <p>1 A Right.</p> <p>2 Q Is that not what you're saying here?</p> <p>3 A Yes. And the reason I'm saying this is 4 because they did not want to hear what I had to say.</p> <p>5 Q Okay. We're back to that. That's what I 6 asked you earlier.</p> <p>7 A Yes.</p> <p>8 Q Then you're not being genuine in what you 9 wrote in this? It's either you told them what they 10 wanted to hear that is different from what you 11 believed --</p> <p>12 A Yes.</p> <p>13 Q -- or you genuinely believed that these were 14 the issues.</p> <p>15 At the time that you wrote this, which of 16 those was it?</p> <p>17 A I was not being fully genuine then, that was 18 the answer.</p> <p>19 Q Okay.</p> <p>20 A Because when I spoke to Gilmour regarding my 21 issues, they were ignored completely. And they 22 said -- she said, there's nothing I can do.</p> <p>23 Q Okay.</p> <p>24 A And this is before she felt that when I 25 asked for her to speak to them because I wanted to</p>	<p>Page 145</p> <p>1 wanted to hear; correct?</p> <p>2 A Correct. And as I mentioned, when you 3 mentioned about being genuine, hundred percent I'm not 4 going to say was genuine because I felt that what I 5 was trying to say was this is -- it's truthful in a 6 way but that's -- they didn't want to hear what I had 7 to say of the issues I had in the rotation. And even 8 with the evidence provided that I did show, they 9 didn't want to put that in subject. They just wanted 10 me to be at fault a hundred percent.</p> <p>11 Q I don't think that the words -- I may be 12 missing them, appear in the community practice 13 evaluation, but I do feel like the concept is there. 14 Just follow me.</p> <p>15 Okay?</p> <p>16 A Sure.</p> <p>17 Q But in the PSC's letter, they specifically 18 mention they believe that you have an inability to 19 take constructive criticism?</p> <p>20 A Right.</p> <p>21 Q Which means ---</p> <p>22 A Based on this one rotation (indicating).</p> <p>23 Q Well, perhaps. But you said the meeting was 24 about the entire duration of your rotation practice.</p> <p>25 A Right. But it was based on my point of view</p>

<p style="text-align: right;">Page 146</p> <p>1 and what was going on in my program there during my 2 time. And they didn't ask per se of my -- like I 3 mentioned, there wasn't much questions being asked 4 about my performance there. 5 They were just letting me be on a podium. 6 Okay. Go ahead. Talk. What do you have to say for 7 us? What do you have to say regarding -- do you have 8 any concerns? Let us know right now. 9 Q But they clearly perceived that you had an 10 inability to take constructive criticism as it is 11 written in their letter? 12 A Right. But based on this rotation. 13 Q Fair enough. 14 A Yes. 15 Q In your appeal you tell the Dean you really 16 took to heart the constructive criticism. 17 A I did, yes. I did take constructive -- I 18 did take it to heart because like he mentioned in the 19 rotation, when I read it, they do believe I can be a 20 good veterinarian. I did take that genuinely. 21 Q That's not criticism. 22 A What do you mean? 23 Q Constructive criticism is when they're 24 telling you things that you did incorrectly in a way 25 to help you become better.</p>	<p style="text-align: right;">Page 148</p> <p>1 mention or -- did I mention that I spoke with him 2 before doing the appeal in person? 3 Q No. I'm glad you brought it up because that 4 was a question I was going to ask. 5 A Great. 6 Q Let's just go back then. 7 A Sure. 8 Q I want to just keep the timeline straight. 9 A Yes. 10 Q You have a meeting with the PSC? 11 A Yes. 12 Q They issue a letter to you or Dr. Gilmour 13 issues a letter to you saying that the PSC has 14 determined that you are being dismissed from the 15 program as a result of receiving a second D? 16 A That's correct. 17 Q The letter also advises you that you have 18 the ability to appeal to the Dean of the College of 19 Veterinary Medicine, Dean Risco? 20 A Yes. 21 Q You draft and submit an appeal which we just 22 looked at as Exhibit 6; correct? 23 A Yes. 24 Q Okay. In conjunction with submitting this 25 appeal, did you have conversations with the Dean?</p>
<p style="text-align: right;">Page 147</p> <p>1 A Right. 2 Q As opposed to telling you ways that you're 3 great. 4 A Oh. Sorry. Yes. The performance regarding 5 the constructive criticism what I can do. I did take 6 it to heart. I did. 7 Q But you just told me that when you put it in 8 here you were just telling the Dean what he wanted to 9 hear. 10 A What they wanted to hear because it involves 11 the committee as well. 12 Q But you wrote this to the Dean. This is an 13 appeal to the Dean. 14 A But it was also reviewed with the committee 15 as well. 16 Q Okay. 17 A As it mentions, it says To: Carlos Risco 18 and To: The Members of the Professions Standard 19 Committee. 20 So in regards to that appeal, when he gets 21 the appeal, the Dean, he has to review it with the 22 committee for another answer. 23 Q Okay. 24 A And that's what he had to with the letter, 25 appeal that had been sent. This is -- I -- did I</p>	<p style="text-align: right;">Page 149</p> <p>1 A I did, yes. 2 Q Tell me about those. 3 A Sure. After speaking with the committee and 4 after the result of I got that letter, I sent an email 5 to Dr. Risco asking if I could speak to him regarding, 6 you know, what's going on about -- because I would 7 like to appeal this grade. 8 I got an answer back from him saying, meet 9 me, you know, at this time frame, an email. And so I 10 went to his office. I spoke to him about my issues 11 with this rotation. 12 He mentioned at first to me that -- he gave 13 me an example of a question and I think that was 14 resulting from the evaluation given to me with 15 Dr. DeMars and his antibiotic question and he took 16 that as one of the reasons why I wasn't taking 17 corrective criticism which kind of reverted to that 18 example you mentioned. 19 Q Okay. 20 A Which is why I would like -- I wanted to 21 bring it up. So basically, he mentioned to me an 22 example that he had prior at UF when he used to work 23 there as a large animal medicine clinician in that 24 rotation. 25 He kind of tried to do an example of the</p>

<p style="text-align: right;">Page 150</p> <p>1 same situation with another student that he had when</p> <p>2 he was teaching there, that just because you answer a</p> <p>3 question correctly doesn't mean it's fully correct if</p> <p>4 there's multiple parts to the question, which I</p> <p>5 completely agree.</p> <p>6 You cannot have a correct answer completely</p> <p>7 if that is not a full, correct answer. Even though</p> <p>8 you mention one of the four, that's not fully correct.</p> <p>9 I did -- I did understand that.</p> <p>10 But that was what he heard from I guess the</p> <p>11 rest of the committee or from Dr. DeMars. I'm not</p> <p>12 sure. But that's what he had to tell me in the</p> <p>13 beginning of the meeting.</p> <p>14 So I took that as, yeah, you're right</p> <p>15 absolutely, and I agreed with him. However, that</p> <p>16 wasn't the issue -- that wasn't the main issue I had</p> <p>17 in the rotation.</p> <p>18 Q So how long did you talk with Dean Risco?</p> <p>19 A I would say about 15, 30 minutes, around</p> <p>20 there.</p> <p>21 Q In his office?</p> <p>22 A In his office, that's correct.</p> <p>23 Q Did you feel like he listened to you?</p> <p>24 A He did actually, yes. And he was very</p> <p>25 concerned.</p>	<p style="text-align: right;">Page 152</p> <p>1 Q Okay.</p> <p>2 A So after my letter of dismissal from the</p> <p>3 committee, my parents were visiting me because I was</p> <p>4 in a lot of stress, everything was going on. They</p> <p>5 came to visit and they wanted to speak to the Dean</p> <p>6 about the issues.</p> <p>7 And my parents explained what was going on</p> <p>8 and they were telling me what was happening with my</p> <p>9 concerns. I told them everything, what was going on.</p> <p>10 The details that they said to them, I felt</p> <p>11 were pretty elaborate and from the summary of what</p> <p>12 happened on rotation -- or not rotation -- the</p> <p>13 meeting, was that -- because my father is also a</p> <p>14 veterinarian, as I mentioned earlier, where I work at</p> <p>15 the family clinic. He explained that like what it --</p> <p>16 like the discrepancy was going on, the</p> <p>17 miscommunication going on, my issues I was having in</p> <p>18 the rotation, like every bit of detail.</p> <p>19 Dr. Risco or Dean Risco said back to my</p> <p>20 father that -- because they felt connected with each</p> <p>21 other here, they're both professional veterinarians,</p> <p>22 and they felt like life is much harder now.</p> <p>23 They expect them to know everything, every</p> <p>24 little bit, every -- they're just harshly criticized.</p> <p>25 The program is much harder than it used to be back in</p>
<p style="text-align: right;">Page 151</p> <p>1 Q Were you the only one that was in the office</p> <p>2 with him that day?</p> <p>3 A Yes, I was.</p> <p>4 Q Do you know if anybody communicated with the</p> <p>5 Dean about your appeal on your behalf?</p> <p>6 A No.</p> <p>7 Q You don't know whether your parents had any</p> <p>8 conversations with the Dean?</p> <p>9 A Oh. Yes, they did.</p> <p>10 Q Okay.</p> <p>11 A But that was before. Sorry. Excuse me.</p> <p>12 Q What can you tell me about that?</p> <p>13 A Sure.</p> <p>14 Q If you know. And if you don't know what</p> <p>15 that conversation was like, I don't expect you to ---</p> <p>16 A Yeah, I have a good bit of -- maybe not like</p> <p>17 a hundred percent but I have a good like summary, I</p> <p>18 guess, of what happened.</p> <p>19 Q Were you present when the conversation took</p> <p>20 place?</p> <p>21 A No, I was not.</p> <p>22 Q Who described this conversation for you?</p> <p>23 Was it the Dean told you how the conversation went or</p> <p>24 your parents?</p> <p>25 A My parents.</p>	<p style="text-align: right;">Page 153</p> <p>1 our day, because they're both kind of near the same</p> <p>2 age, and saying that, yeah, they have it much harder.</p> <p>3 He explained to them that, you know, I</p> <p>4 wouldn't have joined -- I wouldn't have gone to this</p> <p>5 school unless they added a psychologist for the</p> <p>6 students because they go through so much stress and I</p> <p>7 feel so bad that if they -- I wouldn't have -- he</p> <p>8 said, I wouldn't -- they had to put a psychologist</p> <p>9 there for him to work in Oklahoma State.</p> <p>10 So that was a big thing to him was mental</p> <p>11 health for these students because he sees them</p> <p>12 stressed. He sees -- he sees these students just --</p> <p>13 he said, they're a mess. They are in so much stress</p> <p>14 and everything and they have literally no brakes on a</p> <p>15 lot of stuff, you know.</p> <p>16 He mentioned that maybe your son, you know,</p> <p>17 with the talk of that, he said, your son should go,</p> <p>18 too, like, you know, it's free. It's with the</p> <p>19 tuition. You should tell your son to go.</p> <p>20 So I took that advice when my parents told</p> <p>21 me everything.</p> <p>22 I said, you know, let's -- I'll do it. Why</p> <p>23 not, you know. We all go through so much stress and,</p> <p>24 you know, even though I hope that -- you know, when I</p> <p>25 told him -- my parents about everything, that he did</p>

<p style="text-align: right;">Page 154</p> <p>1 explain to them that, you know, they're not listening, 2 you know. The communication is a problem, my concerns 3 and, yeah, he heard everything from them. 4 Q Okay. 5 A So I felt that I did need to repeat that. 6 Q Fair enough. Because that meeting took 7 place with your parents? 8 A That's correct. 9 Q On the phone? 10 A No. In person. 11 Q In person? 12 A Yes. 13 Q Prior to you going to see him in his office? 14 A That is correct. Yes. 15 Q Do you know approximate time frame? Within 16 a week of one another? Couple of days? 17 A Maybe about a week. 18 Q Okay. We can agree on at least one thing 19 because I agree that Dean Risco, he's a very nice man. 20 A Very good man, yes. 21 Q And I enjoy visiting with him. 22 A Yeah. I as well. 23 Q You have now filed your appeal, you've had a 24 conversation with Dean Risco, and your parents have 25 spoken with Dean Risco?</p>	<p style="text-align: right;">Page 156</p> <p>1 Q Okay. 2 (Defendant's Exhibit 7 was marked for 3 identification) 4 Q (BY MR. PRATT) I'm going to hand you what is 5 marked as Defendant's Exhibit 7, previously produced 6 as Board94. 7 A And I did receive this letter, yes. 8 Q Can you tell us what this is? 9 A Sure. So this is the final answer of the 10 final appeal with the Dean. So, yes, overall the 11 summary was that: I would need to get a C or better 12 in my rotation 16 which was my current rotation which 13 was anesthesia virtually due to COVID. I would be 14 placed on academic suspension until both failed 15 rotations are remediated through participation 16 in-person rotations because of COVID-19. And because 17 of the current use of online curriculum, I will be 18 suspended from clinical rotations until the hospital 19 reopens to students and in-person rotations resume. 20 Lucy, who is the -- Kershaw, who is the 21 person who works with the schedules will 22 work on that as soon as possible, but 23 understand the date this can be done is 24 currently unknown; that you must receive a C 25 or greater grade in both remediated</p>
<p style="text-align: right;">Page 155</p> <p>1 A Yes. 2 Q What ultimately was the result of your 3 appeal? 4 A The result of my appeal was that I would be 5 put on academic suspension. Well, excuse me. The 6 result -- let's take a step back. The result of my 7 appeal still led to the decision from the committee 8 that I would still be dismissed. 9 They didn't want to change their answer to 10 that. However, Dean Risco had the final say and said, 11 no, he's staying. However, we're going to put him on 12 academic suspension. 13 Q What's your understanding of academic 14 suspension? 15 A Academic suspension to me is you take a 16 break from the program, so you're out of the program. 17 You're still in the program but you're out, out of the 18 campus and within a certain time frame you come back 19 to it. At least that's what was going on to me. 20 Q So you believed you were no longer in the 21 program? 22 A Yes. 23 Q You were not continuing with rotations? 24 A I was -- I was currently in a rotation for 25 my virtual anesthesiology.</p>	<p style="text-align: right;">Page 157</p> <p>1 rotations. Failure to do so will result in 2 dismissal of the program with no PSC review 3 or appeal. The fourth thing in this letter 4 was that you will be on Academic Probation 5 for the duration of your academic clinical 6 year. To receive a C grade or higher on any 7 rotation during the remaining clinical year 8 will result in dismissal. 9 That doesn't make sense. I think that's a 10 typo. 11 Q Where are you at, on 4? 12 A "No. 4. Failure to receive a C grade or 13 higher on any rotation during the remaining 14 clinical year will result in dismissal from 15 the program with no PSC review or appeal." 16 Q Did something strike you --- 17 A Yes. 18 "Failure to receive a C grade or higher on 19 any rotation -- which is a passing grade -- 20 during the remaining clinical year will 21 result in dismissal from the program." 22 Q (BY MR. PRATT) It says: 23 "Failure to receive a C grade or higher." 24 A Oh. Failure. Oh, yes, yes, yes. You're 25 right. I read that poorly. Excuse me.</p>

<p>Page 158</p> <p>1 Failure to receive a C grade or higher, yes, 2 on any rotation, yes. 3 The fifth one was: 4 You will be held accountable to the four 5 items in your plan of improvement listed in 6 your letter of appeal: communication, case 7 preparation, patient care, and professional 8 and ethical behavior." 9 That's correct. 10 Q First off, was this welcome news? 11 A It was good news, yes. Yeah. It was -- it 12 was excellent news, yeah. 13 Q Earlier I think you were trying to explain 14 that it was tough without having something in front of 15 us, I think? 16 A Yes, it was a little bit. Yes. 17 Q Because you submitted your appeal to the 18 Dean, but when you get this letter it tells you that 19 the PSC took your appeal under review -- 20 A Yes. 21 Q -- considering the mitigating, if any, 22 circumstances that you had provided in your appeal; 23 correct? 24 A Correct. 25 Q And they reached the same conclusion of you</p>	<p>Page 160</p> <p>1 Dean Risco had decided to override the PSC's decision? 2 A Yes, it was significant. 3 Q Okay. Were you agreeable to all the 4 conditions that had been set forth in front of you in 5 the letter? 6 A Yes. 7 Q Did you understand that your participation 8 in the program was --- 9 A I take that back actually. I felt like I 10 agreed with most of it but it still didn't solve the 11 problem with this community practice that I had issues 12 with and I proved the issues with to them with 13 evidence. It just wasn't -- it was put aside 14 definitely. And I felt like I didn't deserve a failed 15 grade in that rotation. 16 Q Fair enough. 17 When you say you proved the allegations that 18 you had made, that's from your perspective; correct? 19 A As a student, yes. 20 Q No one ever issued any kind of ruling or 21 decision on the fact that, yes, you have in fact 22 proved your case here; correct? 23 A Yes. 24 Q So you disagreed with the fact that your 25 prior grade had not been addressed or overridden;</p>
<p>Page 159</p> <p>1 were still dismissed from the program? 2 A That's correct. Yes. 3 Q They didn't believe that there was anything 4 in the appeal to change their decision? 5 A Including with the letter that they were 6 given, yes. 7 Q However, the Dean had the final say? 8 A Yes. 9 Q And the Dean elected to keep you in the 10 program, subject to these five points that are 11 contained in this letter? 12 A That's correct. Yes. 13 Q That was your understanding? 14 A Yes. 15 MR. BACH: Is this a good time for a break? 16 MR. PRATT: Sure. 17 (Recess taken from 2:01 to 2:09) 18 Q (BY MR. PRATT) Okay. We're back on the 19 record after a break. We were, if I recall, 20 discussing Dean Risco's decision to override the final 21 decision of the PSC to allow you back into the program 22 with five separate conditions that he expected you to 23 meet? 24 A Yes. That's correct. 25 Q Did you feel as if it were significant that</p>	<p>Page 161</p> <p>1 correct? 2 A Yes. It wasn't -- I felt like there wasn't 3 even any thought of it. 4 Q Okay. But you felt it significant that the 5 Dean allowed you to remain in the program? 6 A Yes. I mean, that was a good -- that was 7 good news. It's been like two months of not good news 8 until I heard that. Yeah, it was good news. 9 Q You wanted to continue in the program? 10 A Absolutely. 11 Q And you understood that in order for you to 12 do so you would have to comply with the conditions set 13 forth by the Dean? 14 A Yes. 15 Q While you were going through this process, 16 did you continue in your rotations? 17 A Yes, I did. 18 Q What rotations were you in during this 19 appeal process? 20 A Anesthesiology rotation, anesthesia. 21 Q Okay. Anesthesiology ended up being your 22 final rotation with the program, did it not? 23 A Yes, before academic suspension, that's 24 correct. 25 Q What is the date on the letter that the Dean</p>

<p style="text-align: right;">Page 162</p> <p>1 issued to you?</p> <p>2 A April 6th, 2020.</p> <p>3 Q Okay.</p> <p>4 A The Associate Dean, correct, Gilmour.</p> <p>5 Q I apologize. Yes.</p> <p>6 A Okay.</p> <p>7 Q Yes. We're talking about 2020?</p> <p>8 A Yes.</p> <p>9 Q It was a very interesting year.</p> <p>10 A Yes, it was.</p> <p>11 Q It was during that spring semester that the</p> <p>12 issues associated with COVID-19 became very apparent</p> <p>13 at least in the United States; correct?</p> <p>14 A That's correct. Yes.</p> <p>15 Q As somebody who is associated with a</p> <p>16 university campus, can I tell you that March of that</p> <p>17 year was when things really became prevalent in</p> <p>18 Oklahoma.</p> <p>19 A Yes. That's correct.</p> <p>20 Q And so you were on campus in Stillwater.</p> <p>21 You would agree that that was the month and</p> <p>22 the time frame in which there was a lot of scrambling?</p> <p>23 A Yes. Kind of reminded me, at the end of my</p> <p>24 talk with Gilmour regarding the community practice</p> <p>25 appeal rotation, about that, in her office she did</p>	<p style="text-align: right;">Page 164</p> <p>1 unfortunately, we'll have to end that. We're going to</p> <p>2 have to end our -- he was planning on bringing all of</p> <p>3 us to his house with his wife and we were going to</p> <p>4 celebrate everything, you know, like the end of the</p> <p>5 rotation and everything. There was food, everything.</p> <p>6 It was like a mini kind of like a party going on.</p> <p>7 He was just being a great person, whatever,</p> <p>8 just hosting us at his house and the residents that he</p> <p>9 had or the residents that he was working with and that</p> <p>10 was going to be canceled, too, unfortunately due to</p> <p>11 COVID.</p> <p>12 Q So at that point there was a level of</p> <p>13 uncertainty as to how things would progress through</p> <p>14 the rotation practice?</p> <p>15 A Yes.</p> <p>16 Q There had not been a shift yet from</p> <p>17 in-person to virtual teaching? It was just we're</p> <p>18 going to have to step back from this in-person</p> <p>19 teaching style while COVID-19 is impacting us;</p> <p>20 correct?</p> <p>21 A Yes. Within those couple of days that we</p> <p>22 were out of the rotation because we ended it, you</p> <p>23 know, three or four days early, later that week we did</p> <p>24 get an email from Gilmour that was mass emailed to the</p> <p>25 entire class regarding for fourth year that we will be</p>
<p style="text-align: right;">Page 163</p> <p>1 mention something about COVID-19, saying like, how</p> <p>2 about that COVID-19?</p> <p>3 And I said, yeah. It's seems crazy so far.</p> <p>4 She kind of gave like a forewarning. She</p> <p>5 didn't say exactly what was going to happen with the</p> <p>6 school. But she said, yeah, things -- we'll see</p> <p>7 what's going on with that.</p> <p>8 She just kind of left like a foreshadow, I</p> <p>9 guess, and that kind of led to I started believing</p> <p>10 this being more serious than it really is and schools</p> <p>11 especially, too.</p> <p>12 Q Did that end up playing out?</p> <p>13 A It did end up playing out.</p> <p>14 Q What changes were made during the program</p> <p>15 that you were a part of once precautions related to</p> <p>16 COVID-19 went into effect?</p> <p>17 A Sure. So during my -- we actually ended our</p> <p>18 small animal surgery rotation a few days early.</p> <p>19 Dr. Clary, at the time Eric Clary, who was our</p> <p>20 clinician there, he mentioned that we will be ending</p> <p>21 our rotation three days early, unfortunately, due to</p> <p>22 the COVID-19 changes that are going on and said that</p> <p>23 we are no longer be able to do clinic. There are a</p> <p>24 lot of changes going on. You guys will hear more soon</p> <p>25 what's happening from the school and emails and, yeah,</p>	<p style="text-align: right;">Page 165</p> <p>1 doing virtual. All those things were in place and,</p> <p>2 you know, the rest of the rotation will be virtual</p> <p>3 from now on. No students are allowed to be in the</p> <p>4 campus or in the hospital, teaching hospital and only</p> <p>5 clinicians and faculty technicians, et cetera, are</p> <p>6 only to be working in there alone, and there will be</p> <p>7 classes done virtually with those situations.</p> <p>8 Q Based on your observations of the world</p> <p>9 around you at that time, was that consistent with how</p> <p>10 other, I don't know, professions, you know, doctors'</p> <p>11 offices, anything that you can think of that around</p> <p>12 that time, was that consistent with the actions being</p> <p>13 taken by other entities?</p> <p>14 A Yes.</p> <p>15 Q Do you know if it was consistent with what</p> <p>16 other educational institutions were doing?</p> <p>17 A I did hear different stories on some were</p> <p>18 still going but wearing masks. Others were -- like</p> <p>19 they were -- it was required to wear a mask throughout</p> <p>20 the clinics.</p> <p>21 Some were completely virtual like us in the</p> <p>22 situation, and then others were -- they would take</p> <p>23 turns, I guess, like in groups. These people only go</p> <p>24 to the clinics so the least amount of people,</p> <p>25 students, would go in clinics versus the entire class.</p>

<p style="text-align: right;">Page 166</p> <p>1 So they would be split in groups and then the other</p> <p>2 group do like online coursing, things like that.</p> <p>3 I think it transcended to that after I was</p> <p>4 dismissed but I heard schools doing that actually in</p> <p>5 the beginning versus later.</p> <p>6 Q Okay.</p> <p>7 A Yeah. It was very different was what I'm</p> <p>8 trying to say. Every school was very different in the</p> <p>9 way they did the protocols.</p> <p>10 Q So you finished the rotation small animal --</p> <p>11 A Surgery.</p> <p>12 Q -- surgery?</p> <p>13 A Yes.</p> <p>14 Q It ended a few days early. That was your</p> <p>15 last in-person rotation?</p> <p>16 A That's correct. Yes.</p> <p>17 Q Shortly thereafter you received a letter or,</p> <p>18 excuse me, an email that went to the entire class --</p> <p>19 A Class, yes. The fourth year, yes.</p> <p>20 Q -- stating that you were going to go to</p> <p>21 virtual learning?</p> <p>22 A That's correct.</p> <p>23 Q And then you started your anesthesiology</p> <p>24 rotation shortly thereafter?</p> <p>25 A Yes. Shortly thereafter, by the next week I</p>	<p style="text-align: right;">Page 168</p> <p>1 Zoom.</p> <p>2 Q How was it used?</p> <p>3 A It was used in regards to -- sorry.</p> <p>4 Q Was he sitting in front of a camera</p> <p>5 teaching? Was he taking a camera into the room?</p> <p>6 A Yes. He was mostly taking it into the room</p> <p>7 where he would have emergencies done or occasionally</p> <p>8 he'll be in his office and he will be talking as well.</p> <p>9 So those two scenarios usually would happen.</p> <p>10 Q Okay. But there were scenarios where he was</p> <p>11 taking you into the operating or surgical room where</p> <p>12 anesthesia was being utilized?</p> <p>13 A Yes. That was the second odd scenario I</p> <p>14 mentioned, yes. So he would take it in a room where</p> <p>15 he's doing surg -- he's performing anesthesia,</p> <p>16 preparing for anesthesia for a patient, things like</p> <p>17 that.</p> <p>18 Q And he would talk through that process while</p> <p>19 you were watching it?</p> <p>20 A The best he could, yes. He tried. When</p> <p>21 technological issues weren't happening and connection</p> <p>22 interruptions because there was times when things</p> <p>23 slowed down. He would cut off completely and we would</p> <p>24 have to wait, you know, in situations. It was rough,</p> <p>25 to say the least.</p>
<p style="text-align: right;">Page 167</p> <p>1 believe we started, yes, of that incident -- or the</p> <p>2 notice.</p> <p>3 Q Who was the instructor?</p> <p>4 A Dr. Di Concetto was the instructor.</p> <p>5 Q What was your relationship like with him?</p> <p>6 A As non in-person as it was, I thought it</p> <p>7 was -- well, good.</p> <p>8 Q And you're right. Obviously, the nature of</p> <p>9 the relationship is going to be different from that of</p> <p>10 your other instructors?</p> <p>11 A Right.</p> <p>12 Q Because you're not having any in-person</p> <p>13 training?</p> <p>14 A That's correct.</p> <p>15 Q What did the rotation look like as it had</p> <p>16 transitioned to virtual?</p> <p>17 A It was all on Zoom mostly. Actually, all of</p> <p>18 it was on Zoom.</p> <p>19 Q Was it just lecture? Was it observations of</p> <p>20 procedures? What was happening via Zoom?</p> <p>21 A Well, actually, it started off on Skype.</p> <p>22 Sorry. I take that back. It started on Skype. There</p> <p>23 were some technical issues going on with that and we</p> <p>24 ended up going to Zoom after, once he figured out how</p> <p>25 to use Zoom, and then we started continually using</p>	<p style="text-align: right;">Page 169</p> <p>1 Q Kind of the whole COVID hell that we all</p> <p>2 lived in right when COVID hit?</p> <p>3 A Yes.</p> <p>4 Q Figuring out how to make things work through</p> <p>5 technological means?</p> <p>6 A Yes. And, yeah, he had someone helping him</p> <p>7 or tried to help him for most of it. It was a student</p> <p>8 that was trying to help him, so.</p> <p>9 Q What days of the week did you have rounds?</p> <p>10 A We had rounds Monday through Friday, so most</p> <p>11 of the week, yeah, from then on.</p> <p>12 Q What time of day?</p> <p>13 A We usually started morning. We would have a</p> <p>14 rounds then. Then we would usually take a break of an</p> <p>15 hour or two during lunch which is around 12 noon and</p> <p>16 then we would have another afternoon rounds again</p> <p>17 where we would talk. Not just rounds but just in</p> <p>18 general just talking about patients and things that he</p> <p>19 had, prior patients, the way he was trying to teach</p> <p>20 with the current situation we had unfortunately.</p> <p>21 But there was times where there was</p> <p>22 emergencies that would come in and he would use that</p> <p>23 as a teaching opportunity as well. He would tell</p> <p>24 everyone, be available because there might be -- there</p> <p>25 might be an emergency that comes in and I want to</p>

<p style="text-align: right;">Page 170</p> <p>1 record it so you guys can see what's going on and I'll</p> <p>2 be asking questions while I'm doing the procedure.</p> <p>3 Q So there was a morning session and an</p> <p>4 afternoon session most days, Monday through Friday?</p> <p>5 A Yes. That were like required rounds and</p> <p>6 then we would have -- which include topics, talking</p> <p>7 about topics of anesthesia of, you know, learning</p> <p>8 knowledge and also things that we were assigned to do</p> <p>9 on topics to research and to present to the class on</p> <p>10 Zoom, you know, individually if needed or people would</p> <p>11 be teamed up with certain subjects that were very</p> <p>12 long, so they would split into two people, things like</p> <p>13 that.</p> <p>14 Q So efforts were being made to have content</p> <p>15 for both morning and afternoon sessions?</p> <p>16 A When available, yes, we tried or he tried on</p> <p>17 his end, yes, when we could do that.</p> <p>18 Q Do you recall what grade you received in the</p> <p>19 rotation?</p> <p>20 A I believe it was a 66 d on exam. Overall,</p> <p>21 I'm not entirely sure.</p> <p>22 Q Okay.</p> <p>23 A But I knew the split was a 79 clinical score</p> <p>24 and a 66 D on the exam; is that correct?</p> <p>25 Q Let's take a look.</p>	<p style="text-align: right;">Page 172</p> <p>1 being a B.</p> <p>2 Do you agree with that?</p> <p>3 A Yes, I do.</p> <p>4 Q And it follows with anything less than a 60</p> <p>5 being an F?</p> <p>6 A Yes.</p> <p>7 Q Okay. There's also red type that says:</p> <p>8 "At least 70% must be achieved in each of</p> <p>9 the two sections in order to pass the</p> <p>10 rotation."</p> <p>11 Do you see that?</p> <p>12 A Yes, I do.</p> <p>13 Q Okay. And then it has kind of a chart and</p> <p>14 at the top of the chart it has your name on the right</p> <p>15 side?</p> <p>16 A Yes.</p> <p>17 Q Okay. Now, can you then describe for us the</p> <p>18 points you receive in each of the categories?</p> <p>19 A Sure. For Section 1 on General Knowledge</p> <p>20 out of 200 points total I got 140. For Case work-up</p> <p>21 and presentation of 100 points total I got 80. In</p> <p>22 regards to Assignments and topics (100 points), I got</p> <p>23 85. professional conduct (100 points), I got a 90.</p> <p>24 Which had a total points possible was 500, I got a 395</p> <p>25 with a Percent Section 1 of 79 percent.</p>
<p style="text-align: right;">Page 171</p> <p>1 (Defendant's Exhibit 8 was marked for</p> <p>2 identification)</p> <p>3 Q (BY MR. PRATT) I'm going to hand you what is</p> <p>4 marked Defendant's Exhibit 8, previously produced as</p> <p>5 Board86?</p> <p>6 A Sure.</p> <p>7 Q Does this document look familiar to you?</p> <p>8 A Yes, it is. Yes, I've seen this.</p> <p>9 Q What is this?</p> <p>10 A This is my anesthesia evaluation grade.</p> <p>11 Q Okay. As I look at this evaluation, it's a</p> <p>12 little different in form than the others.</p> <p>13 A Yes. It's very different.</p> <p>14 Q But we can at least pull some of the</p> <p>15 information. The top tells us that it was Anesthesia</p> <p>16 - Rotation 16?</p> <p>17 A Yes.</p> <p>18 Q That the dates were from March 23rd, 2020 to</p> <p>19 April 12th, 2020?</p> <p>20 A That's correct.</p> <p>21 Q It has a grading scale at the top.</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q I would describe that as a traditional</p> <p>25 grading scale of 90 to 100 being an A., 80 to 89.9</p>	<p style="text-align: right;">Page 173</p> <p>1 Q Correct. So in Section 1 you received a</p> <p>2 79 percent, that would qualify as a C with regard to</p> <p>3 the grading scaling above?</p> <p>4 A Yes, C plus. That's correct.</p> <p>5 Q And then we start Section 2.</p> <p>6 Can you tell us the scores that are relayed</p> <p>7 there?</p> <p>8 A Sure. So Section 2, this is regarding the</p> <p>9 written exam that we had at the end of the rotation.</p> <p>10 Written exam points possible is 150 and I received a</p> <p>11 99.6.</p> <p>12 Q And that equated to a percentage of?</p> <p>13 A 66.4 percent.</p> <p>14 Q Okay. So a 66.40 pursuant to the scale</p> <p>15 above would be what letter grade?</p> <p>16 A It would be a D.</p> <p>17 Q Okay. So you fell into the category of</p> <p>18 Section 1 receiving a C, Section 2 receiving a D?</p> <p>19 A That's correct.</p> <p>20 Q And regardless of what the overall</p> <p>21 percentage might have been, you would have ticked the</p> <p>22 box of the red type above, right, that says "At least</p> <p>23 70 percent must be achieved in each of the two</p> <p>24 sections in order to pass the rotation;" is that</p> <p>25 correct?</p>

<p style="text-align: right;">Page 174</p> <p>1 A Yes, that's correct.</p> <p>2 Q So you received a letter grade of D?</p> <p>3 A Yes.</p> <p>4 Q Did you believe that that grade of D was</p> <p>5 fair?</p> <p>6 A No, I did not believe that grade was fair.</p> <p>7 Q Why not?</p> <p>8 A Regarding the written exam, I felt it wasn't</p> <p>9 very fair. I explained to Dr. Di Concetto about the</p> <p>10 situation, that I felt it was not enough time of one</p> <p>11 hour for 64 questions regarding that majority of the</p> <p>12 question were fill list formats versus multiple</p> <p>13 choice.</p> <p>14 Q But in this instance, your failure to meet</p> <p>15 the minimum academic standard was as result of an exam</p> <p>16 administered across to all of the students in the</p> <p>17 rotation; correct?</p> <p>18 A Yes.</p> <p>19 Q This was not a subjective determination as</p> <p>20 to your academic qualifications; correct?</p> <p>21 A Yes.</p> <p>22 Q I mean, other than the instructor, I assume,</p> <p>23 wrote the test but aside from that it was an attempt</p> <p>24 to have an objective scoring of your academic</p> <p>25 progress?</p>	<p style="text-align: right;">Page 176</p> <p>1 A Mostly with timing, yes. Because there was</p> <p>2 situations that, yeah, honestly, it was mostly just</p> <p>3 timing management situation.</p> <p>4 I explained to him that the majority of the</p> <p>5 questions were list format and we had over 40 pages of</p> <p>6 notes in general of just -- that we did over the</p> <p>7 rotation which was a lot of information and it was</p> <p>8 very fast paced considering everything was done</p> <p>9 virtually. He had a time limit to say such things and</p> <p>10 at the same time trying to teach us with emergency and</p> <p>11 that it was -- it was very -- it was tough to do all</p> <p>12 with that much information loaded into one exam and to</p> <p>13 also manage what in this list format versus like a</p> <p>14 multiple choice, which he did have a few but the</p> <p>15 majority were list format, and list these things,</p> <p>16 list -- those were the type of examples, list these</p> <p>17 things. A few were just fill in the blanks just one</p> <p>18 answer.</p> <p>19 The majority of them were list four things,</p> <p>20 list five things. It was very -- it was a lot for</p> <p>21 just a one hour with 64 questions. I managed to tell</p> <p>22 him that.</p> <p>23 He did agree that he was willing to let me</p> <p>24 retake the exam if I appeal it. He says, I will</p> <p>25 gladly let you retake the exam. You did fine</p>
<p style="text-align: right;">Page 175</p> <p>1 A Right. Yes. Well, my concern was that I</p> <p>2 heard about this exam from other students that were</p> <p>3 not from OSU, that what I mentioned other students who</p> <p>4 were not from OSU was other island students and the</p> <p>5 majority of them never passed that exam with Dr. Di</p> <p>6 Concetto the first time, the ones I spoke to, and</p> <p>7 their concerns were the same.</p> <p>8 Both schools would take the same type of</p> <p>9 exams with fill in the blank and, et cetera. But the</p> <p>10 questions that they received were -- when we had 70</p> <p>11 question exams or 64 or above, we were given ample</p> <p>12 time with extra time depending if there's fill in the</p> <p>13 blank answers or if there's list format answers.</p> <p>14 So my concern was that it was really the</p> <p>15 timing, the time situation was not -- I felt was not</p> <p>16 to par and I told him that.</p> <p>17 I had a meeting with him post when I got --</p> <p>18 received this grade. I spoke to him. I would like to</p> <p>19 review the exam. After a couple of weeks, I did</p> <p>20 receive an answer from him that he said he would go</p> <p>21 over it with me on Zoom when I was back home in</p> <p>22 Florida.</p> <p>23 We went over the exam and I mentioned my</p> <p>24 concerns to him and ---</p> <p>25 Q Which were limited to timing only?</p>	<p style="text-align: right;">Page 177</p> <p>1 clinically and he boasted that you had no issues with</p> <p>2 clinical matters so I'm not worried about that, he</p> <p>3 says, but I'll let you retake the exam.</p> <p>4 But unfortunately, due to the letter I was</p> <p>5 given with the five from the Dean, I was no longer to</p> <p>6 appeal.</p> <p>7 Q And that's what you understood to be the</p> <p>8 situation?</p> <p>9 A Yes. And I explained to Dr. Di Concetto if</p> <p>10 there was any possible way to speak to Administration</p> <p>11 regarding that. Because I know things have changed.</p> <p>12 COVID was a huge issue, you know.</p> <p>13 I asked him also that if he ever gave the</p> <p>14 same exam virtually versus non-virtual or like online</p> <p>15 versus in person if that made a change or if he made</p> <p>16 changes.</p> <p>17 He said he has before but he didn't mention</p> <p>18 the actual event when that happened before.</p> <p>19 And I said, okay. I asked him if he could</p> <p>20 speak to anyone. He said, unfortunately, I can't, you</p> <p>21 know. Or he didn't -- he didn't want to or he felt he</p> <p>22 couldn't do it.</p> <p>23 So I told him that I'm going to be dismissed</p> <p>24 then. There's nothing I can do. He felt remorse and</p> <p>25 felt like, you know, don't think that it's over. He</p>

<p style="text-align: right;">Page 178</p> <p>1 kind of gave me like a speech saying like, you know, 2 just because this is happening, don't think it's over, 3 continue what you do, try to find a solution, you 4 know. That was it. 5 Q So what happened after you received the 6 grade of D in anesthesiology? 7 A About a week or two later I received another 8 letter from Gilmour that I was dismissed from the 9 program. I didn't follow my concerns -- I'm sorry. 10 Before we go onto the next area, I didn't follow my 11 concerns or I didn't communicate, I guess, more about 12 the situation when I talked to other island students, 13 the students that were affiliated towards to go to OSU 14 for the program for the clinical year, that many -- 15 the students that I spoke to, two were actually 16 repeating the rotation with me while I was in the 17 anesthesia. 18 The reason why they didn't pass was clinical 19 and most of the situations were also the exam and it 20 was with the same instructor Dr. Di Concetto. And the 21 ones that did pass that I knew, the other students, 22 one unfortunately passed away over the COVID 23 situation. She was also in my class. She -- that 24 she -- one of them didn't pass the exam as well that I 25 knew with Dr. Di Concetto's exam.</p>	<p style="text-align: right;">Page 180</p> <p>1 wondering if maybe one of them had a past test and 2 they were giving it out, OSU students. 3 Q But you have no reason to know whether 4 that's true or not? 5 A I don't know full details but we were 6 speculating that. 7 Q Who was speculating? 8 A The island students including myself because 9 we were concerned that many of the island students 10 were not passing the test but for some reason there 11 was no issues with the OSU students not passing the 12 exam within an hour. 13 Q Who proposed the theory? 14 A Who proposed? Multiple people. It wasn't 15 one person. 16 Q Did all of the island students that you were 17 talking with have the same issue being that they just 18 didn't finish within -- didn't have enough time to 19 finish? 20 A Yes. 21 Q So it was solely a time issue? Nobody was 22 complaining about the fairness of the exam for 23 negative other than the fact that they didn't feel 24 they had enough time? 25 A It was regarding time and the amount of</p>
<p style="text-align: right;">Page 179</p> <p>1 In her case, the one that did pass away 2 unfortunately, that student, she took Dr. Linkey's 3 (ph) exam. They would rotate sometimes. Some days -- 4 some weeks would be Dr. Di Concetto and other weeks 5 would be Dr. Linkey who is supposed to be the head of 6 the anesthesia department at the time and then he 7 ended up leaving. 8 Q I've asked multiple times and you've 9 answered multiple times but I want to make sure that 10 this answer is consistent. 11 A Sure. 12 Q You've expressed concerns that the exam was 13 not fair as a result of not having enough time. 14 A Yes. 15 Q There's been no mention of the exam being 16 unfair in any other way; is that correct? 17 A Yes. 18 Q Okay. 19 A No. Hold on, actually. You mention that 20 but my concern was that was always the island students 21 that didn't feel that it was concerning or that it was 22 an issue but we -- you know, you can speculate and 23 things like that, but our concerns or when I would 24 speak with other island students was -- I'm not sure, 25 you know, this could be just speculation but we were</p>	<p style="text-align: right;">Page 181</p> <p>1 information that we were given in such a -- yeah, one 2 hour is a small time frame, as I mentioned earlier. 3 Q But there were other students who were able 4 to complete it on time? 5 A There was a few. But the ones that were 6 able to do well and finish the rotation, that exam, 7 were the ones that didn't have Di Concetto. 8 Q So if I'm understanding you correctly, 9 there's a belief that the only students that passed Di 10 Concetto's exam did so because they had a prior exam 11 that they were using? 12 A Possibly or they had some kind of something 13 that they -- maybe like a sheet that they had, like 14 information, like, oh, this is going to be on the 15 exam, this is going to be on the exam. So it's like a 16 way -- like a shortcut so they can finish quicker 17 maybe, possible. We were speculating. 18 Q So is it your belief then that nobody was 19 capable of passing that exam unless they cheated? 20 A That's speculation. I'm not you sure yet. 21 Q Well, this whole thing is speculation. 22 A Yeah. I'm saying generally, yeah, I think 23 it's part of the belief. 24 Q Okay. 25 A Partially.</p>

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1 (Defendant's Exhibit 9 was marked for
2 identification)
3 **Q (BY MR. PRATT) I'm going to hand you what is**
4 **marked as Defendant's Exhibit 9.**
5 A Yes.
6 **Q Won't spend a lot of time on this. You've**
7 **already mentioned what this was and that you received**
8 **it. But it is a letter from Margi Gilmour dated**
9 **April 21st, 2020; correct?**
10 A Yes. Correct.
11 **Q This letter is essentially letting you know**
12 **that as a result of receiving the grade of D in the**
13 **anesthesia rotation you'll be dismissed from the**
14 **program; correct?**
15 A That's correct.
16 **Q And it advises that the Dean has reviewed**
17 **your academic record and has approved the dismissal**
18 **action; correct?**
19 A Yes. That's correct.
20 **Q Okay. We're going to shift gears a little**
21 **bit.**
22 A Okay.
23 **Q So at that point you are dismissed from the**
24 **program?**
25 A That's correct.

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1 **Q You leave Stillwater?**
2 A Yes.
3 **Q Go back home, presumably start working with**
4 **your father again?**
5 A Yes.
6 **Q And ultimately decide to file a lawsuit**
7 **naming Oklahoma State University and St. Matthew's**
8 **University; correct?**
9 A Before the lawsuit, we did send letters
10 before, before a lawsuit, like litigating.
11 **Q Correct. I'll back up. I wasn't trying to**
12 **eliminate that step.**
13 A Sure.
14 **Q To some extent that's settlement**
15 **negotiations we don't want to talk about that.**
16 A Yes.
17 **Q But letters were sent asking for your**
18 **readmittance, to consider readmittance?**
19 A Yes.
20 **Q I don't know if letters were sent to SMU.**
21 **But letters were sent to Oklahoma State?**
22 A They were sent to SMU as well.
23 **Q And ultimately though it led to you filing a**
24 **lawsuit, that being the lawsuit that we're here**
25 **discussing today; correct?**

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1 A That's correct. Yes.
2 **Q Okay. Are you familiar with the allegations**
3 **contained in the complaint that was filed in this**
4 **lawsuit on your behalf?**
5 A Yes, I do.
6 **Q I don't want to go through the whole thing,**
7 **but there's some paragraphs that I do want to talk**
8 **about.**
9 A Sure.
10 **Q I'm not sure at this time if I'll enter this**
11 **as an exhibit. I might at the end but my guess is I'm**
12 **just going to ask you a few questions and we'll go**
13 **from there.**
14 **But first and foremost, before we do that, I**
15 **would like to hear in your words, what do you believe**
16 **that your claims against Oklahoma State are?**
17 A Based on just everything?
18 **Q Yes. The claims that you have filed in this**
19 **lawsuit, you are seeking some type of, I don't know,**
20 **depends, damages of some sort from Oklahoma State**
21 **University in this lawsuit?**
22 A Right. That's correct.
23 **Q I would like you to describe for us in your**
24 **own words what you think that looks like.**
25 A Sure. So the three like -- you're asking

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1 regarding what allegations I made?
2 **Q What do you believe the nature of your**
3 **claims are?**
4 A Nature of my claims. In regards to the list
5 that I made there regarding this claim?
6 **Q Yes. I mean, I don't expect you to have a**
7 **lawyer's understanding. That's not the requirement**
8 **that you have to come in here.**
9 A Yes.
10 **Q I'm trying to not ask you purely legal**
11 **questions.**
12 A Yes.
13 **Q But at some point you decided to consult an**
14 **attorney?**
15 A Absolutely.
16 **Q I don't want to know about any of the**
17 **discussions that you had with your lawyer.**
18 A Yes.
19 **Q I'm not asking about any of that.**
20 A Right.
21 **Q But I do want to know, something made you**
22 **say, you know what, I think I'm going to file a**
23 **lawsuit against OSU.**
24 A Yes.
25 **Q Based on what?**

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1 A Based on, as I mentioned earlier in the
2 questions you asked me, they consider me lying, they
3 consider me being poor performance, that wasn't
4 entirely true, and I wasn't given the academic
5 integrity given based on my handbooks rules for me to
6 prove myself that I am innocent and I wasn't given
7 that chance. So that's one -- that's pretty much a
8 big allegation right there.
9 **Q Okay. We're going to come to that one.**
10 A Sure.
11 **Q Your belief that the academic integrity**
12 **policy was not utilized while you were in school and**
13 **going through this process?**
14 A Right. And schools in general, when someone
15 lies that is dishonesty, that is fabrication
16 involvement. When that happens, you are being put on
17 the pedestal, you're put on a podium to explain like a
18 trial, explain to show proof of these things, you
19 know, to prove your evidence that you did not lie.
20 You are given that, you know. You are given that
21 option to do that. It's like rights of a person.
22 **Q It's a big deal?**
23 A It is a big deal, absolutely.
24 **Q Do you know anybody while you were in school**
25 **in the veterinary program that was subject to an**

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1 **academic integrity violation?**
2 A I do know one, yes, and it regarded with
3 plagiarism.
4 **Q Plagiarism?**
5 A Yes. And they were able to prove their
6 innocence.
7 **Q Okay.**
8 A Yes.
9 **Q Before you said the failure to utilize the**
10 **academic integrity policy. I wanted to focus on the**
11 **first couple of things you said because I want to**
12 **address all of those. But I'm not a hundred percent**
13 **sure that I understood you. I think you said that**
14 **they -- basically, they falsely claimed that you had**
15 **poor performance?**
16 A Yes. And regarded to like, for example,
17 when I mentioned community practice, when they
18 mentioned the constructive criticism in my
19 evaluations, like those are allegations to me.
20 Because a lot of things that were said were not said
21 to me in person.
22 They were a different answer or to me they
23 were fabricated in different -- they would changed
24 what they said to me into their evaluation. And I had
25 proof. I had evidence to show that that wasn't --

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1 what they said was not true, entirely true.
2 I wasn't given the opportunity to prove
3 those things in the school.
4 **Q Instructors in higher education have to**
5 **apply some level of objective evaluation; correct?**
6 A Yes.
7 **Q What do you believe their level of**
8 **discretion is in determining whether a student has met**
9 **academic standards or hasn't met those standards?**
10 A They base it on a rubric as we looked at
11 evaluation, however, based on different -- based on
12 different rotations that could be completely different
13 as we've seen in these grades. The grade evaluations
14 are completely different based on rotations.
15 In this case in community practice, majority
16 if not 80 percent of it was subjective. 20 percent
17 was objective and that included the exam, the final
18 exam and that, you know, whether you -- that's your
19 score whether you performed any exam or not, that was
20 it. Right? That's objective; correct?
21 So in this case 80 percent was subjective
22 which was me going over cases with them, you know,
23 hoping to get feedback which, unfortunately I wasn't
24 given feedback until those two meetings so, yes, it
25 was subjective.

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1 **Q But that is what a faculty member does,**
2 **correct, utilizing both the objective and the**
3 **subjective evaluation of students?**
4 A Yes.
5 **Q And from what I ---**
6 A Basically, yes.
7 **Q And you disagree with the subjective**
8 **evaluations?**
9 A Yes.
10 **Q And in anesthesiology you disagreed with the**
11 **objective evaluations because you didn't think you**
12 **were given enough time?**
13 A That's correct.
14 **Q In the small animal internal medicine**
15 **evaluation, you said you like him, the professors, you**
16 **thought they did great, it was fair and you**
17 **legitimately received a D?**
18 A Sorry. Which rotations?
19 **Q Small animal internal medicine, your first**
20 **rotation that you received a D.**
21 A Yes.
22 **Q I didn't hear any complaints about that one.**
23 A There was some complaints I said to Gilmour
24 about it, yes. There was some complaints.
25 **Q What were those?**

<p style="text-align: right;">Page 190</p> <p>1 A A few of the complaints were communication 2 was also an issue there. The big one was that it was 3 a very busy rotation, probably the most busiest that I 4 had since I'd been there, my first rotation. And, you 5 know, besides my first rotation like, you know, being 6 my first rotation there, so I'm not like -- I don't 7 have the experience that the other students had. It 8 was my first. 9 There was another student that was first 10 rotation, too, but she was also struggling. Like the 11 ones who were struggling were the first ones that it 12 was their first rotation and they understood that 13 which is why I enjoyed those two clinicians because 14 they understood the situation. They understood. 15 They would speak to us. But the issue was 16 that they were extremely busy at rotation and the 17 feedback that I -- I wasn't given feedback also in 18 that situation based until like the end. 19 I felt that wasn't okay, you know, me 20 performing daily with cases, you know. I was given 21 feedback from residents sometimes but clinicians I 22 wasn't given full feedback as much as I wanted to 23 because they were so busy just running, you know. 24 They were just running everywhere. 25 It was a quite -- it wasn't quite fair. It</p>	<p style="text-align: right;">Page 192</p> <p>1 Even with the orientation involvement, they 2 didn't explain that it crashed often. And it crashed 3 very often. It was very frustrating for students. 4 But when we did those extra little steps, it was 5 tolerable. 6 But the reason I didn't add those in the 7 allegations was is that I accepted my grade because I 8 felt it was my fault for not telling the clinicians of 9 what I was going through with my -- with my father 10 with the accident and everything and that's something 11 I should have been responsible and said beforehand and 12 I agree with that. 13 Q We've talked about what your understanding 14 of your claims in the case are? 15 A Yes. 16 Q Okay. Again, I'm not going to ask you to 17 apply legal analysis to any of this. 18 A Sure. 19 Q But I want to point out that from the legal 20 standpoint there's a singular cause of action against 21 Oklahoma State in this case that is for a breach of 22 contract. 23 Do you understand that? 24 A Yes, I do. 25 Q Okay. And the specifics of that claim in</p>
<p style="text-align: right;">Page 191</p> <p>1 just very busy, like it was really hard to get proper 2 feedback in that rotation. 3 I understand that, you know, there's 4 discrepancies where they couldn't control that and 5 they had to do what they had to do but I felt -- I 6 mean, I explained that to Gilmour regarding those 7 things and I felt the program was extremely 8 frustrating to deal with and that was UVIS (ph) at the 9 time. 10 They had a 1997 program where we put in all 11 our information. Half the time it -- over half the 12 time, 80 percent of the time it would crash. We had 13 to use a program to get to a Windows 95 so we could 14 use the program into our computers. 15 Q Were all students required to use the same 16 program? 17 A Yes. The difficult part of the whole thing 18 was is that the crashes were random so whatever you 19 did -- and since it was my first rotation, I didn't 20 understand at the time that if I didn't save it into a 21 Word document, like all my information beforehand, 22 before putting stuff in, like that would crash. So it 23 was like a way to save my information. Like there's 24 like little steps I had to do and I didn't understand 25 that.</p>	<p style="text-align: right;">Page 193</p> <p>1 terms of what it is titled in the complaint are breach 2 of contract and the duty of good faith and fair 3 dealing against the Board of Regents for the Oklahoma 4 Agricultural and Mechanical Colleges, State of 5 Oklahoma, Oklahoma State University and St. Matthew's. 6 Okay? 7 A Right. Correct. 8 Q So that is the cause of action you have 9 against Oklahoma State that we breached contract with 10 you? 11 A That's right. 12 Q And that we breached the duty of good faith 13 and fair dealing? 14 A That's correct. 15 Q Now that I've structured it in that way, how 16 would you say that Oklahoma State has breached its 17 contract with you? 18 A In regards --- 19 Q Your understanding. 20 A Sure. So breach of contract I feel is based 21 on, as I mentioned earlier about the academic 22 integrity violation, that was part of my student 23 rights. 24 I had in my evaluation, she clearly says 25 here as a quote, "More than one occasion where this</p>

<p>Page 194</p> <p>1 student was not telling the truth regarding what he</p> <p>2 had or had not done concerning patient care."</p> <p>3 Q I agree with you. We're going to come back</p> <p>4 to that. I just want to make sure I'm understanding</p> <p>5 the entirety of your claims.</p> <p>6 A Yes.</p> <p>7 Q So that's a way that OSU potentially</p> <p>8 breached contract according to what you're alleging?</p> <p>9 A That one of the reasons, yes.</p> <p>10 Q Okay. What are the others?</p> <p>11 A The other would be that -- the other one was</p> <p>12 the anesthesia situation virtually.</p> <p>13 Q Okay.</p> <p>14 A It was done in a manner that, as you</p> <p>15 mentioned, it was difficult for everyone, anybody in</p> <p>16 school or in other schools; that they didn't give the</p> <p>17 proper learning environment that we could have been</p> <p>18 given, you know.</p> <p>19 As I mentioned, different schools did other</p> <p>20 ways of managing it, as I mentioned, splitting into</p> <p>21 groups of less people, you know, performing actual</p> <p>22 anesthesia, like using machines. It's an extremely</p> <p>23 important rotation and we didn't have the opportunity</p> <p>24 at all.</p> <p>25 It was -- the learning, as hard as he did,</p>	<p>Page 196</p> <p>1 dealing with the connection errors and all these other</p> <p>2 dealings, like it was very frustrating for her and she</p> <p>3 had to work on the side to help him also, like by</p> <p>4 calling him and working because she was I think the</p> <p>5 SAVIN (ph) president or something, so she was --</p> <p>6 everyone knew her, I guess. She was the one that he</p> <p>7 picked I guess to help or he chose her to help him and</p> <p>8 she volunteered, too, in a way.</p> <p>9 There was just a lot of frustrations with</p> <p>10 her, and she was just venting to us that like I --</p> <p>11 just two more days of this shit. That's what she said</p> <p>12 as a quote, just two more days of this shit. I'm just</p> <p>13 over it.</p> <p>14 Q Two more days because the rotation was going</p> <p>15 to end in two days?</p> <p>16 A Yeah, including the day we had, so three</p> <p>17 days.</p> <p>18 Q Okay.</p> <p>19 A She was mentioning that and she said out</p> <p>20 loud she didn't -- she just didn't think, okay, like,</p> <p>21 no one is going to hear about that.</p> <p>22 We ended up getting a response, an email,</p> <p>23 after our exam that we took which was already</p> <p>24 stressful enough, that we took that exam with an hour</p> <p>25 and then a few hours later that same day we got an</p>
<p>Page 195</p> <p>1 you know, no offense to Dr. Di Concetto, great guy,</p> <p>2 when I spoke to him and everything, but I felt that</p> <p>3 structurally it just -- it was not -- it was not good.</p> <p>4 Unfortunately, you know, based on the COVID situation</p> <p>5 I didn't get the proper learning. And to make matters</p> <p>6 worse, it also ended early due to a drama that</p> <p>7 happened.</p> <p>8 Q Okay. We'll stop there for a minute. I</p> <p>9 want to talk about all this because I didn't know we</p> <p>10 were going to go there yet but I'll shift gears a</p> <p>11 little bit.</p> <p>12 A Okay. Sure.</p> <p>13 Q It ended early. I want to start with that.</p> <p>14 A Yes, it did.</p> <p>15 Q Tell me how you think that occurred.</p> <p>16 A Sure. So based on what happened, that day</p> <p>17 when the incident did happen, there was many</p> <p>18 complaints and, unfortunately, they were with a mic</p> <p>19 open and that student didn't understand, and his</p> <p>20 computer was still there. He was just gone, taking a</p> <p>21 patient somewhere.</p> <p>22 So what happened was the mic was on and the</p> <p>23 person helping him, the student, was complaining very</p> <p>24 loudly to all of us, to other students, about her</p> <p>25 frustrations dealing with his technology knowledge,</p>	<p>Page 197</p> <p>1 email saying that he is ending the rotation early.</p> <p>2 Q Do you recall what day of the week that was</p> <p>3 on?</p> <p>4 A It was on -- no, I don't actually recall off</p> <p>5 the top of my head.</p> <p>6 (Defendant's Exhibit 10 was marked for</p> <p>7 identification)</p> <p>8 Q (BY MR. PRATT) I'm going to hand you what is</p> <p>9 marked as Defendant's Exhibit 10.</p> <p>10 A Sure.</p> <p>11 Q Previously produced as Board1445. I believe</p> <p>12 this was an email that has redactions at the top</p> <p>13 because I believe it had a number of students that had</p> <p>14 been cc'd on here.</p> <p>15 Looks like it was a group email; is that</p> <p>16 correct?</p> <p>17 A Yes. That's correct.</p> <p>18 Q So I know we're kind of working backwards</p> <p>19 but let's take a look at your email first which is at</p> <p>20 the top of the page.</p> <p>21 A Sure.</p> <p>22 Q Okay. I believe this email was in response</p> <p>23 to the email you were just discussing that came from</p> <p>24 Dr. Di Concetto.</p> <p>25 Is that accurate?</p>

<p style="text-align: right;">Page 198</p> <p>1 A Yes, that's accurate.</p> <p>2 Q Okay. Will you read your response for us,</p> <p>3 please?</p> <p>4 A Sure.</p> <p>5 "These are very stressful times, and</p> <p>6 the school has really done us a service to</p> <p>7 offer this class virtually. They are really</p> <p>8 doing their part to keep us safe from this</p> <p>9 virus and we should honor and appreciate</p> <p>10 them for doing it. I know that this virus</p> <p>11 is touching our lives in very personal ways,</p> <p>12 but we should take this opportunity to learn</p> <p>13 to be more patient and understanding and try</p> <p>14 to put ourselves in others shoes before</p> <p>15 speaking. I know that every person in this</p> <p>16 class is grateful for Dr. Di and the school</p> <p>17 for this opportunity and I'm that nothing</p> <p>18 that was said was with ill will. As</p> <p>19 Americans, we have never been placed in a</p> <p>20 situation where we feel just impotence.</p> <p>21 This sometimes makes us react to the</p> <p>22 situation without elegance. I am confident</p> <p>23 that through this discussion we can find the</p> <p>24 opportunity to see our parts in this</p> <p>25 situation and correct them for the future.</p>	<p style="text-align: right;">Page 200</p> <p>1 probably still have it over there.</p> <p>2 A Yes, I do.</p> <p>3 Q Can you tell me the dates that that rotation</p> <p>4 says that it goes through?</p> <p>5 A Sure. Here we go. Rotation 16, 3-23-2020</p> <p>6 to 4-12-2020.</p> <p>7 Q Okay. So this email was sent on April 10th?</p> <p>8 A That's correct.</p> <p>9 Q Two days before the end of the rotation?</p> <p>10 A Yes.</p> <p>11 Q So the rotation was being ended --</p> <p>12 A Two days early.</p> <p>13 Q -- at 2-17 on Friday before the technical</p> <p>14 end of the rotation on Sunday, two days later?</p> <p>15 A Yes.</p> <p>16 Q Now, didn't you tell me earlier that</p> <p>17 weekends were not typical rotation days?</p> <p>18 A That was for community practice.</p> <p>19 Q Oh. So anesthesia was different?</p> <p>20 A Yes, it was.</p> <p>21 Q You met routinely on Saturdays and Sundays</p> <p>22 not just in emergency situations?</p> <p>23 A Well, you had to be available for Saturdays</p> <p>24 and Sundays if there was emergencies to be seen.</p> <p>25 He could call and say, hey, everyone log in.</p>
<p style="text-align: right;">Page 199</p> <p>1 life is about learning and sometimes</p> <p>2 learning through our mistakes to make us</p> <p>3 better people. We appreciate you and all</p> <p>4 your efforts!"</p> <p>5 Q And that's from you?</p> <p>6 A That's from me.</p> <p>7 "Regards, Jonathan Rivera-Pierola."</p> <p>8 Q Those are your words?</p> <p>9 A That's me.</p> <p>10 Q Will you look at the top and see what date</p> <p>11 that was sent?</p> <p>12 A Sure. That was Friday, April 10th, 2020.</p> <p>13 Q Okay. And the email that it was in response</p> <p>14 to was sent from Dr. Di Concetto. I believe that it</p> <p>15 says the date and time that he sent that email below.</p> <p>16 Can you tell me what that was?</p> <p>17 A Sure. April 10, 2020.</p> <p>18 Q So that same day?</p> <p>19 A Uh-huh.</p> <p>20 Q About three hours prior?</p> <p>21 A Yes.</p> <p>22 Q That's Friday, April 10th?</p> <p>23 A Yes.</p> <p>24 Q Okay. We looked earlier at your grade sheet</p> <p>25 that you received for anesthesia. I think you</p>	<p style="text-align: right;">Page 201</p> <p>1 Let's look at this emergency. Let's talk about what's</p> <p>2 going on.</p> <p>3 Q But it wasn't a standard rotation? It was</p> <p>4 only in the event an emergency arose?</p> <p>5 A Yes. Through rounds.</p> <p>6 Q So the two days of emergency call would not</p> <p>7 have taken place but Friday morning you took the end</p> <p>8 of rotation exam; correct?</p> <p>9 A Yes.</p> <p>10 Q It was not until later that afternoon that</p> <p>11 you received the email suggesting that the rotation</p> <p>12 would end early?</p> <p>13 A Right. But we were supposed to meet up</p> <p>14 right after the exam and that never happened, so there</p> <p>15 was like a break of just like, so what's going on, are</p> <p>16 we not going to meet up like in the morning. Because</p> <p>17 it was like -- I think the exam was like 8:00 in the</p> <p>18 morning and ended at 9:00, one hour.</p> <p>19 We were supposed to meet up and do our class</p> <p>20 for that day but it never happened.</p> <p>21 Q The material that you were tested on would</p> <p>22 have been concluded before the exam on Friday morning,</p> <p>23 would it not?</p> <p>24 A Yes. But there was more -- we still -- it</p> <p>25 was still a rotation day so we still had to do</p>

<p style="text-align: right;">Page 202</p> <p>1 activities like either to talk about past cases or to</p> <p>2 go over cases that you would assign us or to look at</p> <p>3 patients that were in ICU at the time and talk about</p> <p>4 their cases with anesthesia.</p> <p>5 Q So if I'm understanding you correctly, it's</p> <p>6 your intention to suggest that OSU breached its</p> <p>7 contract --</p> <p>8 A Yes.</p> <p>9 Q -- in one particular instance by ending a</p> <p>10 rotation a few hours before the afternoon rotation</p> <p>11 would have taken place?</p> <p>12 A Few hours before the morning.</p> <p>13 Q No. It happened -- he canceled it. You</p> <p>14 took the test that morning.</p> <p>15 A Right.</p> <p>16 Q And then he didn't cancel until 2:22 in the</p> <p>17 afternoon.</p> <p>18 A Right. But the concern was with the</p> <p>19 students and I we were supposed to, based on, as I</p> <p>20 mentioned earlier, the scheduling, that we would meet</p> <p>21 in the morning for rounds or for whatever you would</p> <p>22 feel that he wants to talk about and to also meet up</p> <p>23 and do more in the afternoon as well when we had that</p> <p>24 little lunch break in between.</p> <p>25 So we had those two meet ups. The morning</p>	<p style="text-align: right;">Page 204</p> <p>1 A Absolutely.</p> <p>2 Q Now, you also suggested that you didn't</p> <p>3 think that while you understood that Dr. Di Concetto,</p> <p>4 he tried, you mentioned several times that he tried,</p> <p>5 he was really trying?</p> <p>6 A Yeah.</p> <p>7 Q But you're still suggesting that OSU, if I'm</p> <p>8 understanding you correctly, breached its contract</p> <p>9 with you because of changing to virtual learning</p> <p>10 during the onset of the COVID-19 pandemic?</p> <p>11 A Yes.</p> <p>12 Q Okay. And you're saying that now even</p> <p>13 though in your email you said and you read it into the</p> <p>14 record just a few minutes ago:</p> <p>15 "They are really doing their part to keep us</p> <p>16 safe from this virus and we should honor and</p> <p>17 appreciate them for doing it."</p> <p>18 A And the reason ---</p> <p>19 Q "I know that this virus is touching our</p> <p>20 lives in very personal ways but we should</p> <p>21 take this opportunity to learn and to be</p> <p>22 more patient and understanding and try to</p> <p>23 put ourselves in others shoes before</p> <p>24 speaking. I know that every person in this</p> <p>25 class is grateful for Dr. Di and the school</p>
<p style="text-align: right;">Page 203</p> <p>1 meet up never happened. We just took the exam and</p> <p>2 then it just ended.</p> <p>3 We didn't know what was going on because the</p> <p>4 schedule was, you know, twice meet ups, one in the</p> <p>5 morning, one in the afternoon after lunch.</p> <p>6 Q Okay. So perhaps I misstated.</p> <p>7 A Sure.</p> <p>8 Q My understanding then is that your argument</p> <p>9 is that OSU breached its contract with you because</p> <p>10 during one of its three-week rotations, being</p> <p>11 anesthesiology, at the end of that third week, Friday,</p> <p>12 the day of standard rotations, you took your end of</p> <p>13 rotation exam?</p> <p>14 A Yes.</p> <p>15 Q And the instructor elected not to have the</p> <p>16 rest of the day worth of rotations?</p> <p>17 A Yes. Based on what he wrote, yes.</p> <p>18 Q And you believe that's reasonable?</p> <p>19 A That he ended it early?</p> <p>20 Q No. You believe it's reasonable to suggest</p> <p>21 that Oklahoma State University breached its contract</p> <p>22 with you due to ending a rotation on the day of the</p> <p>23 final exam?</p> <p>24 A Yes.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 205</p> <p>1 for this opportunity and I'm sure that</p> <p>2 nothing was said was with ill will."</p> <p>3 Was this again another instance in which you</p> <p>4 sent an email that was not being genuine?</p> <p>5 A Unfortunately, yes.</p> <p>6 Q Okay. I just want to make sure.</p> <p>7 A And the reason why is one of our grades, and</p> <p>8 when we were talking, all the other students were</p> <p>9 based on professional conduct is one of our grades.</p> <p>10 So based on his -- based on his email he sent to us</p> <p>11 regarding his early termination of the rotation, he</p> <p>12 mentioned that he was -- "I am disappointed with the</p> <p>13 negative attitude and comments that I've been</p> <p>14 displayed by this rotation group."</p> <p>15 So instead of that one person that the</p> <p>16 technician overheard and told him that someone was</p> <p>17 complaining, because that's how he got the</p> <p>18 information, as he mentioned in his email.</p> <p>19 So in conclusion, the majority of the rest</p> <p>20 of the rotation, the students, were very concerned</p> <p>21 about the professionalism grade and they were worried</p> <p>22 that they were going to fail or get a worse grade</p> <p>23 because of it.</p> <p>24 Q Did they?</p> <p>25 A I don't know.</p>

<p style="text-align: right;">Page 206</p> <p>1 Q Did you?</p> <p>2 A No. And the reason why I felt that was</p> <p>3 because I wrote these things and that's what a lot of</p> <p>4 other people felt they wrote. They had to write to be</p> <p>5 genuine.</p> <p>6 Q I don't want to know what you felt. I want</p> <p>7 to know what happened.</p> <p>8 You were worried that he was going to dock</p> <p>9 your grade because he had to cut the class short out</p> <p>10 of frustration?</p> <p>11 A Yes.</p> <p>12 Q Because he's not a robot?</p> <p>13 A Yes.</p> <p>14 Q He's not a computer?</p> <p>15 A Yes.</p> <p>16 Q And somebody is saying I'm sick of this shit</p> <p>17 or whatever it was that you said earlier?</p> <p>18 A Yes. Because he included us as a group so,</p> <p>19 yes, it was concerning.</p> <p>20 Q Is that a human response?</p> <p>21 A It is a human response, but to include a</p> <p>22 whole group when it was one person that said it and</p> <p>23 and that was told by the technicians that they</p> <p>24 overheard and that and told him that, that is</p> <p>25 concerning.</p>	<p style="text-align: right;">Page 208</p> <p>1 wasn't me.</p> <p>2 Q So what is genuine and what's not? Today</p> <p>3 you're parsing things. You are telling me it's</p> <p>4 genuine then say, well, actually, it's not.</p> <p>5 Unfortunately, this isn't. I don't know what's</p> <p>6 genuine and what's not.</p> <p>7 Is your testimony today genuine?</p> <p>8 A Yes, it is. What's concerning to me is when</p> <p>9 he said: Unfortunately I'm disappointed with the</p> <p>10 negative attitude and comments that have been</p> <p>11 displayed by this rotation group.</p> <p>12 We felt we were all targeted. So the reason</p> <p>13 why I'm explaining what I felt was genuine because I</p> <p>14 did have heart for him as I mentioned earlier;</p> <p>15 correct?</p> <p>16 Q Correct.</p> <p>17 A But when you feel you're being targeted as a</p> <p>18 student, as a group, when it was only one person that</p> <p>19 said it, whether knew the person or not, he took as a</p> <p>20 group and said otherwise, that he wasn't being -- that</p> <p>21 he was taking it out on us personally.</p> <p>22 And, yes, that could be person oriented or</p> <p>23 not but who do we know that, what was the result of</p> <p>24 that.</p> <p>25 MR. PRATT: I don't intend to enter this as</p>
<p style="text-align: right;">Page 207</p> <p>1 Q It's concerning to you and you were worried</p> <p>2 about it and it did not end up manifesting in your</p> <p>3 grade. In fact, your grade reflected only that you</p> <p>4 didn't do well on the exam.</p> <p>5 A I did not know I did well on the exam.</p> <p>6 Q Well, you might not have. But I'm just</p> <p>7 saying, you're trying to put onto him that he was</p> <p>8 going to do this horrible thing to breach a contract</p> <p>9 that he never did.</p> <p>10 A We did not understand that he might have</p> <p>11 done that. That's what we were scared for as</p> <p>12 students.</p> <p>13 Q But it didn't happen.</p> <p>14 A Luckily, it did not happen. But we all</p> <p>15 responded with answers. That was the reason for this</p> <p>16 email, this mass email. I wasn't the only one that</p> <p>17 responded. Every student responded, every student.</p> <p>18 Q I've seen the responses.</p> <p>19 A Every student in that rotation responded</p> <p>20 because they were worried about their grade.</p> <p>21 Q Or maybe they were being genuine in the fact</p> <p>22 that they felt like it was unfortunate that a student</p> <p>23 had spoken up like that and said something</p> <p>24 disrespectful?</p> <p>25 A And I was genuine regarding that but it</p>	<p style="text-align: right;">Page 209</p> <p>1 an exhibit but I'd to use it to show it to him. I</p> <p>2 know you've seen this.</p> <p>3 Are you comfortable with that?</p> <p>4 MR. BACH: Yes.</p> <p>5 Q (BY MR. PRATT) I am going to hand you what</p> <p>6 is marked as Boards235. As I mentioned, I don't at</p> <p>7 this time intend to enter it as an exhibit. I want</p> <p>8 you to take a look at it though and tell me what it is</p> <p>9 and you'll notice I have a blue tab here.</p> <p>10 I'll probably have to have you hand it back</p> <p>11 to me so I can tell you what I mean because I only</p> <p>12 brought one copy of this.</p> <p>13 A Sure. Okay.</p> <p>14 Q Do you recognize that document?</p> <p>15 A I do. This is the Student Handbook.</p> <p>16 Q From the time that you were there?</p> <p>17 A Yes. That's correct.</p> <p>18 Q If you'll turn to the blue tab that I</p> <p>19 marked.</p> <p>20 A Okay.</p> <p>21 Q It should be pretty well lined up with a</p> <p>22 header.</p> <p>23 Do you see that?</p> <p>24 A "Procedure Governing PSC Handling Of D Or F.</p> <p>25 Grades Earned In One Or More Clinical</p>

<p style="text-align: right;">Page 210</p> <p>1 Rotations."</p> <p>2 Q Yes. I think that's pretty</p> <p>3 self-explanatory. It's telling you what happens for</p> <p>4 students in clinical rotations who receive a grade of</p> <p>5 D or F.</p> <p>6 Does that appear to be correct?</p> <p>7 A That's correct.</p> <p>8 Q Okay. Why don't you read for me the first</p> <p>9 paragraph.</p> <p>10 A Sure.</p> <p>11 "Under most foreseeable circumstances, a</p> <p>12 student earning a D in a clinical rotation</p> <p>13 who is not on academic probation will be</p> <p>14 allowed to remediate the rotation by</p> <p>15 repeating the rotation during the next</p> <p>16 available period in the student's calendar.</p> <p>17 In many cases, this will be the student's</p> <p>18 vacation rotation, but if the student's</p> <p>19 vacation rotation has already passed at the</p> <p>20 time the student earns a D grade, the</p> <p>21 remediation will occur during the rotation</p> <p>22 following the last scheduled rotation of the</p> <p>23 students fourth year curriculum. In some</p> <p>24 cases this could result in not receiving a</p> <p>25 diploma until the end of the semester. The</p>	<p style="text-align: right;">Page 212</p> <p>1 A Who is not on academic probation will be</p> <p>2 allowed to remediate the rotation by</p> <p>3 repeating the rotation during the next</p> <p>4 available period in the student's calendar."</p> <p>5 What was ---</p> <p>6 MR. BACH: Final sentence.</p> <p>7 THE WITNESS: Oh. Final sentence.</p> <p>8 "The student will be placed on academic</p> <p>9 probation for the remainder of his/her</p> <p>10 professional curriculum."</p> <p>11 Q (BY MR. PRATT) Early I think you said some</p> <p>12 students are, some students aren't but that seem to be</p> <p>13 pretty mandatory language, wouldn't you agree?</p> <p>14 A Yes.</p> <p>15 Q So your first grade of D was in small animal</p> <p>16 internal medicine; correct?</p> <p>17 A That's correct. Yes.</p> <p>18 Q What did not occur pursuant to that</p> <p>19 condition other than the fact that you were not</p> <p>20 allowed to remediate at the end of your fourth year,</p> <p>21 because you did not complete your fourth year? What</p> <p>22 in that did not occur?</p> <p>23 Let me ask you this.</p> <p>24 A Sure.</p> <p>25 Q Does it appear that OSU followed its policy</p>
<p style="text-align: right;">Page 211</p> <p>1 student will be placed on academic probation</p> <p>2 for the remainder of his or her professional</p> <p>3 curriculum."</p> <p>4 Q Okay. Now, the first portion of that talks</p> <p>5 a lot about how you will be allowed to remediate that</p> <p>6 particular rotation; correct?</p> <p>7 A Correct.</p> <p>8 Q But that's not until the end of year four</p> <p>9 which is the year you were still in; correct?</p> <p>10 A Yes. That's correct.</p> <p>11 Q So you didn't have an opportunity to</p> <p>12 remediate?</p> <p>13 A Unfortunately, no.</p> <p>14 Q Okay. But moving to the next part, I didn't</p> <p>15 hear where it said may. I think it said the student</p> <p>16 will be placed on probation, is that correct, academic</p> <p>17 probation?</p> <p>18 A Are you mentioning the second part?</p> <p>19 Q Yes.</p> <p>20 A "A student earning a D grade while on</p> <p>21 academic probation."</p> <p>22 Q No, no, no. Not in the second part. We'll</p> <p>23 get into that.</p> <p>24 In the part that you just read, you read a</p> <p>25 part ---</p>	<p style="text-align: right;">Page 213</p> <p>1 with regard to your first D?</p> <p>2 A Yes.</p> <p>3 Q Okay. Will you hand that back to me for</p> <p>4 just one second?</p> <p>5 A Sure.</p> <p>6 Q I think I'm going to have you read the next</p> <p>7 paragraph. Yes.</p> <p>8 Read the next bullet point. I won't need</p> <p>9 you to read the third one.</p> <p>10 A Sure.</p> <p>11 Q So this is the same policy.</p> <p>12 A The third one?</p> <p>13 Q Second one.</p> <p>14 A Second one. Sure.</p> <p>15 "A student receiving a D grade while on</p> <p>16 academic probation (including academic</p> <p>17 probation that carries on over from the</p> <p>18 third year curriculum), two or more D grades</p> <p>19 while not on academic probation, or on a F</p> <p>20 grade while not on academic probation has</p> <p>21 the option to meet with the PSC of earning a</p> <p>22 D or F --"</p> <p>23 I wasn't given that option. I believe</p> <p>24 that's -- that was it. I take that back.</p> <p>25 "-- while enrolled and taking the next</p>

<p style="text-align: right;">Page 214</p> <p>1 rotation. The student will have an</p> <p>2 opportunity to present information to the</p> <p>3 PSC regarding any mitigating circumstances</p> <p>4 relative to unsatisfactory performance.</p> <p>5 Following the meeting, members of the PSC</p> <p>6 will make a determination and vote as to</p> <p>7 whether or not to recommend that the student</p> <p>8 be allowed to remediate the unsatisfactory</p> <p>9 grades. The PSC may recommend that the</p> <p>10 student remediate the unsatisfactory grade</p> <p>11 before continuing in the professional</p> <p>12 curriculum. If the student is allowed to</p> <p>13 continue in the professional curriculum,</p> <p>14 he/she will remain on or be placed on</p> <p>15 academic probation for the remainder of the</p> <p>16 professional curriculum. The PSC may</p> <p>17 recommend dismissal if it is determined</p> <p>18 there are no sufficient circumstances</p> <p>19 relative to the unsatisfactory performance."</p> <p>20 That's it.</p> <p>21 Q Thank you. I'll leave that there so you can</p> <p>22 refer to it.</p> <p>23 A Sure.</p> <p>24 Q And I understand that there is some level of</p> <p>25 discretion that is provided to the PSC there and that</p>	<p style="text-align: right;">Page 216</p> <p>1 have to present or bring about is what your damages</p> <p>2 are, you know, what you're seeking from my client OSU.</p> <p>3 Now, I've had conversations with your</p> <p>4 attorney and I'm under the impression that at some</p> <p>5 point in this case there will likely be an expert whom</p> <p>6 I will choose to depose and get specifics from him.</p> <p>7 A Yes.</p> <p>8 Q So I want to be really clear that I'm not</p> <p>9 here today to break that down in that kind of</p> <p>10 capacity.</p> <p>11 A Yes.</p> <p>12 Q That will be for him or her.</p> <p>13 Okay?</p> <p>14 A Yes.</p> <p>15 Q But as we sit here today, what amount of</p> <p>16 damages do you believe that you have suffered as a</p> <p>17 result of OSU's alleged breach of contract?</p> <p>18 A Due to the breach of contract with OSU, I</p> <p>19 felt I had lost -- I lost everything due to the</p> <p>20 contract that was involved with St. Matthew's, with</p> <p>21 OSU and St. Matthew's. I lost my entire veterinary</p> <p>22 career.</p> <p>23 Q When I say what damages are you seeking,</p> <p>24 what amount of money are you asking my client to pay</p> <p>25 you?</p>
<p style="text-align: right;">Page 215</p> <p>1 you may disagree with the discretion that they</p> <p>2 utilized?</p> <p>3 A Yes.</p> <p>4 Q But did OSU follow its policy with regard to</p> <p>5 your second grade of D in community practice?</p> <p>6 A Yes.</p> <p>7 Q Okay. Thank you. Now, with regard to the</p> <p>8 anesthesiology D that you received, we've already</p> <p>9 addressed that, I believe, because it was a unique</p> <p>10 circumstance because the PSC did decide to go ahead</p> <p>11 and dismiss with no opportunity to remediate; correct?</p> <p>12 A Yes.</p> <p>13 Q Yet Dean Risco overrode that decision</p> <p>14 pursuant to policy and gave you an additional</p> <p>15 opportunity; correct?</p> <p>16 A That's correct.</p> <p>17 Q And after doing so, he put conditions in</p> <p>18 place that required you to make a C or better in each</p> <p>19 of your following rotations for that year?</p> <p>20 A That's correct.</p> <p>21 Q And you made a D and were dismissed?</p> <p>22 A Yes.</p> <p>23 Q Okay. As part of a breach of contract claim</p> <p>24 or really kind of any lawsuit but particularly the</p> <p>25 breach of contract claim, one of the things that you</p>	<p style="text-align: right;">Page 217</p> <p>1 A It ended up resulting in my entire</p> <p>2 veterinary career in regards from school, from</p> <p>3 veterinary school to the end of the curriculum that</p> <p>4 was OSU, my fourth year.</p> <p>5 Q Okay.</p> <p>6 A And that included living standards, that</p> <p>7 included tuition, that included I guess everything</p> <p>8 that was necessary for living in those areas. There</p> <p>9 was a list already involved so we already provided</p> <p>10 that.</p> <p>11 Q Correct. I want to make sure that I'm</p> <p>12 understanding it because there may be more there than</p> <p>13 what I'm understanding.</p> <p>14 A Okay.</p> <p>15 Q I believe that you have alleged that OSU</p> <p>16 should pay you damages to compensate you for the</p> <p>17 tuition that you spent while at Oklahoma State?</p> <p>18 A Yes.</p> <p>19 Q The living costs associated with the time</p> <p>20 that you were at Oklahoma State?</p> <p>21 A Yes.</p> <p>22 Q The tuition that you paid to St. Matthew's</p> <p>23 University?</p> <p>24 A Yes.</p> <p>25 Q The living costs that you paid living in the</p>

<p style="text-align: right;">Page 218</p> <p>1 Caribbean?</p> <p>2 A That's correct. Yes.</p> <p>3 Q Mental health costs associated with the</p> <p>4 issues that you allege stem from this?</p> <p>5 A Yes. That's right.</p> <p>6 Q What else?</p> <p>7 A That's pretty much it, yes. Those are the</p> <p>8 main -- those are the main things that you mentioned.</p> <p>9 It involved what -- from my veterinary career so</p> <p>10 starting in St. Matthew's to ending my rotations in</p> <p>11 Oklahoma.</p> <p>12 Q So it's your believe OSU should pay for all</p> <p>13 of your veterinary education; correct?</p> <p>14 A (Nods head up and down).</p> <p>15 Q The time that you left undergrad and also</p> <p>16 got your masters, obviously?</p> <p>17 A Yes.</p> <p>18 Q You then went to the Caribbean at St.</p> <p>19 Matthew's --</p> <p>20 A Yes.</p> <p>21 Q -- which you said was on par tuition wise</p> <p>22 but expensive living wise?</p> <p>23 A (Nods head up and down).</p> <p>24 Q That OSU should be responsible for those</p> <p>25 living expenses that you incurred, your tuition there</p>	<p style="text-align: right;">Page 220</p> <p>1 Q Okay. But presumably at the beginning of</p> <p>2 this whole thing you thought OSU owes me money and</p> <p>3 St. Matthew's owes me money. I mean, that's</p> <p>4 oversimplification but generally that would be why you</p> <p>5 bring a lawsuit?</p> <p>6 A Right.</p> <p>7 Q What portion of this expansive amount of</p> <p>8 damages that you were asking from Oklahoma State did</p> <p>9 you expect St. Matthew's to pay for?</p> <p>10 MR. BACH: Object to the form of the</p> <p>11 question.</p> <p>12 Q (BY MR. PRATT) You can answer.</p> <p>13 A I don't want to answer that question.</p> <p>14 MR. BACH: You need to answer.</p> <p>15 THE WITNESS: Oh, I need to. Sorry. Okay.</p> <p>16 The reason why -- the reason why I asked for</p> <p>17 the damages to ask for St. Matthew's to pay for was</p> <p>18 based on your decision as a school, OSU's decision</p> <p>19 that I -- that this was all -- this was all a mistake.</p> <p>20 Because as I mentioned in the allegations, I</p> <p>21 wasn't being -- I wasn't being heard is really the big</p> <p>22 thing. I wasn't being heard on the things that I had</p> <p>23 to say about the rotations and they weren't -- and</p> <p>24 when I provided evidence, they didn't want to hear me</p> <p>25 out at all.</p>
<p style="text-align: right;">Page 219</p> <p>1 that you incurred and then those same costs associated</p> <p>2 with the time you spent in Stillwater?</p> <p>3 A Yes. Based on the decision that because of</p> <p>4 the contract with St. Matthew's, the decision that OSU</p> <p>5 makes with my decision and with the allegations that I</p> <p>6 mentioned, I was dismissed because of that and because</p> <p>7 of the dismissal I was dismissed from my school, so</p> <p>8 those damages were done entirely based on OSU's</p> <p>9 decision.</p> <p>10 Q So when this case goes to trial, you're</p> <p>11 going to sit in the witness stand and tell the jury</p> <p>12 that those are the costs that you believe are owed to</p> <p>13 you from Oklahoma State?</p> <p>14 A That's correct.</p> <p>15 Q And you believe that's reasonable?</p> <p>16 A It's a lot of money. It's a lot. But based</p> <p>17 on the decisions that OSU has made, based on the</p> <p>18 allegations and the policies that they broke with me</p> <p>19 as a student, my rights, yes.</p> <p>20 Q Now, at the beginning of this lawsuit you</p> <p>21 had named both Oklahoma State and St. Matthew's as</p> <p>22 codefendants?</p> <p>23 A That's correct. Yes.</p> <p>24 Q Obviously, St. Matthew's was dismissed out.</p> <p>25 A Unfortunately, yes.</p>	<p style="text-align: right;">Page 221</p> <p>1 As I mentioned earlier, you know, one of the</p> <p>2 things of the breach of contract was the integrity,</p> <p>3 academic integrity. I wasn't given that right at all</p> <p>4 when I was considered a liar.</p> <p>5 Q (BY MR. PRATT) We're going to talk about</p> <p>6 that. I'm asking what portion of these damages which</p> <p>7 you acknowledged is a lot of money --</p> <p>8 A It's a lot of money, yes.</p> <p>9 Q -- did you believe was attributable to</p> <p>10 St. Matthew's versus what was attributable to Oklahoma</p> <p>11 State.</p> <p>12 MR. PRATT: You can have a standing</p> <p>13 objection if you want.</p> <p>14 MR. BACH: Yes. Thank you.</p> <p>15 THE WITNESS: It was involving their portion</p> <p>16 which was their tuition while I was there for semester</p> <p>17 one through seven. That's what I felt that they had</p> <p>18 to pay for.</p> <p>19 Q (BY MR. PRATT) But as you said, as they</p> <p>20 unfortunately from your perspective got dismissed out,</p> <p>21 now you expect Oklahoma State University to be solely</p> <p>22 responsible for all of it; is that correct?</p> <p>23 A Due to the contract that was involving due</p> <p>24 to your decision, yes.</p> <p>25 Q Due to St. Matthew's dismissal from the</p>

<p style="text-align: right;">Page 222</p> <p>1 lawsuit, you now think OSU is responsible for all of</p> <p>2 it?</p> <p>3 A But that part of the decision was -- OSU's</p> <p>4 decision was all this had happened was because of the</p> <p>5 result of what happened at OSU.</p> <p>6 Q But as you filed the lawsuit, you just said</p> <p>7 you felt St. Matthew's was responsible for those first</p> <p>8 seven semesters. I'm going to guess, and I know I</p> <p>9 have a sheet that tells me some of it, but a big chunk</p> <p>10 of the damages that you're seeking occurred during</p> <p>11 that time frame.</p> <p>12 A Yes.</p> <p>13 Q It was a longer time than you spent in</p> <p>14 Stillwater; right?</p> <p>15 A Yes.</p> <p>16 Q And it was in the Bahamas -- excuse me.</p> <p>17 Caribbean?</p> <p>18 A No. Cayman Islands.</p> <p>19 Q Cayman Islands?</p> <p>20 A Yes.</p> <p>21 Q Regardless, expensive place to live?</p> <p>22 A Yes.</p> <p>23 Q And you expect all of that to be paid by</p> <p>24 them but now you expect it to all, encompassing</p> <p>25 everything, be paid by Oklahoma State; is that</p>	<p style="text-align: right;">Page 224</p> <p>1 A Yes.</p> <p>2 Q I intended to get to it earlier and we kind</p> <p>3 of got off track. We'll come back to it.</p> <p>4 MR. BACH: Are we on a break?</p> <p>5 MR. PRATT: Sure.</p> <p>6 (Recess taken from 3:29 to 3:35)</p> <p>7 MR. PRATT: Back on the record. I believe</p> <p>8 Mr. Rivera-Pierola has a comment that he wanted to</p> <p>9 make.</p> <p>10 THE WITNESS: Sure. So regards to the</p> <p>11 finances of the damages done, there was an extra one I</p> <p>12 forgot to mention it was loss of wages. As I</p> <p>13 mentioned earlier, you mentioned -- you asked for how</p> <p>14 much I was making currently as a veterinary assistant.</p> <p>15 Currently I'm only making, as I mentioned,</p> <p>16 24,000ish around there yearly from the State tax, the</p> <p>17 result from the paper, the papers, the taxes, when you</p> <p>18 put in your taxes, everything, that's what was my</p> <p>19 income.</p> <p>20 I'm losing -- as I mentioned, loss of wages</p> <p>21 was -- since my dismissal, I've lost over three years</p> <p>22 of being possibly to be finished as a veterinarian if</p> <p>23 this didn't occur, the damages done in Oklahoma.</p> <p>24 So that was a huge loss because as a</p> <p>25 veterinarian, that's going to include an average</p>
<p style="text-align: right;">Page 223</p> <p>1 accurate?</p> <p>2 A That's accurate.</p> <p>3 Q Okay. And you believe that's reasonable?</p> <p>4 A I'm hoping it's not reasonable. There was</p> <p>5 other options that were involved.</p> <p>6 Q We're here today because there's a lawsuit</p> <p>7 filed seeking damages against my client.</p> <p>8 A Uh-huh.</p> <p>9 Q You've expressed to me what you think those</p> <p>10 damages are?</p> <p>11 A Yes.</p> <p>12 Q And you told me you think it's reasonable</p> <p>13 the amount of damages that you're asserting against my</p> <p>14 client?</p> <p>15 A It's a lot of money.</p> <p>16 Q I agree with that. I'm asking is it</p> <p>17 reasonable from your perspective?</p> <p>18 A Yeah, based on the damages. Yes, it's</p> <p>19 reasonable. The damages were done in Oklahoma so,</p> <p>20 yeah.</p> <p>21 Q I'm going to take a quick break because I</p> <p>22 know you're wanting to talk about the academic</p> <p>23 integrity stuff.</p> <p>24 A Sure.</p> <p>25 Q You've mentioned it a couple of times.</p>	<p style="text-align: right;">Page 225</p> <p>1 salary of a new veterinarian entering, so that was</p> <p>2 also included as well as the monetary damages.</p> <p>3 Q Do you have any idea as you sit here today</p> <p>4 as a rough estimate of how much it is that you plan to</p> <p>5 ask for from Oklahoma State?</p> <p>6 A Yes. I believe it was over 500,000.</p> <p>7 Q Is that what you were wanting to say? Did</p> <p>8 we cover it?</p> <p>9 A Yes, I did want to include the lost wages.</p> <p>10 Q Okay. It's noted.</p> <p>11 A Okay.</p> <p>12 Q Now, you've mentioned multiple times that</p> <p>13 you believe that Oklahoma State violated its -- excuse</p> <p>14 me. It breached its contract with you because it</p> <p>15 didn't follow its own policies I believe is what you</p> <p>16 said. Specifically, you referenced the academic</p> <p>17 integrity policy.</p> <p>18 A That's correct.</p> <p>19 Q So we've read through the College of</p> <p>20 Veterinary Medicine Handbook and the policies that</p> <p>21 apply to when students receive grades of D or F in</p> <p>22 those rotations.</p> <p>23 You've indicated to me on the record that</p> <p>24 you do not believe that OSU breached its policy in any</p> <p>25 way with regard to those policies.</p>

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1 **Do you recall that?**
2 A Yes. From the handbook, yes.
3 **Q Yes. But the reason and I -- and I do know**
4 **what you're referring to because it has been included**
5 **in the complaint. But you have made a reference to**
6 **the fact that you believe that you should have been**
7 **subject to Oklahoma State University's academic**
8 **integrity policy; is that correct?**
9 A That's correct. Yes.
10 (Defendant's Exhibit 11 was marked for
11 identification)
12 **Q (BY MR. PRATT) Okay. I'm going to hand you**
13 **what is marked as Defendant's Exhibit 11. I don't**
14 **know if this document will be familiar to you or not.**
15 **Have you seen this before?**
16 A Yes.
17 **Q Okay. What is this?**
18 A This is the academic integrity part of the
19 handbook, I believe. I haven't seen this before in
20 the past.
21 **Q Well, I will assert to you that this is**
22 **Oklahoma State University's Academic Integrity Policy,**
23 **its university wide policy.**
24 A Okay.
25 **Q There may be a reference to it in the**

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1 **handbook.**
2 A Yes, there is.
3 **Q Okay. But I can certainly assert that this**
4 **is the policy that is in place and was in place on the**
5 **date that you were enrolled in Oklahoma State.**
6 A Right.
7 **Q Do you agree with that?**
8 A I do, yes.
9 **Q Okay. This policy is broken into several**
10 **subparts so it will make it relatively easy to**
11 **navigate, I believe.**
12 **If we can start with Paragraph 1.01, kind of**
13 **giving us an introduction as to academic integrity.**
14 **Would you please read that?**
15 A Sure.
16 "1.01. Under Policy: An institution's
17 reputation and intellectual freedom depend
18 on its uncompromising commitment to the
19 ideal of academic integrity. OSU is
20 committed to instilling and upholding
21 integrity as a core value. This policy
22 embodies OSU's dedication to maintaining an
23 honest academic environment and ensures fair
24 resolution of alleged violations of academic
25 integrity."

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1 **Q Thank you. So that kind of gives us an**
2 **idea. This is a lengthy policy that sets forth**
3 **procedures, ideals?**
4 A Yes.
5 **Q A number of things all dealing with academic**
6 **integrity.**
7 **Let me ask you, in your mind, what does**
8 **academic integrity mean?**
9 A To me academic integrity means as a student
10 in academics you have the integrity or you have to
11 have integrity meaning that you have to have certain
12 responsibilities as a student to withhold to be
13 responsible for certain things while you're doing in
14 school. So you have to have a right or you have to
15 have a certain truth of what you're doing, and
16 honesty, an honest -- you know, how you're performing
17 and everything.
18 **Q Fair to say that an academic integrity**
19 **policy would be holding students accountable for their**
20 **honesty?**
21 A Yes.
22 **Q Their integrity?**
23 A Yes.
24 **Q Okay. When I think of academic integrity**
25 **and I'm not looking at this policy, a word that comes**

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1 **to mind to me is cheating.**
2 A It's a big one, yes.
3 **Q You say that's consistent with kind of what**
4 **academic integrity would entail? Obviously, more than**
5 **that?**
6 A There's more than that, yeah.
7 **Q You mentioned that you had a fellow student**
8 **while in the clinical rotation program that had a**
9 **complaint or an academic integrity violation filed**
10 **against them alleging plagiarism?**
11 A That's correct.
12 **Q Yes.**
13 A Yes.
14 **Q That's another one that I think is fairly**
15 **commonly thought of as an academic integrity issue.**
16 A Yes.
17 **Q Cheating on exam, those types of things.**
18 A Sure.
19 **Q So if you will turn to 1.04 which I think is**
20 **on the bottom of the second page.**
21 A Okay. 1.04.
22 **Q Yes. Can you read that for us, please?**
23 A Sure.
24 "Behaviors that violate the fundamental
25 values of academic integrity may include but

<p>1 are not limited to:"</p> <p>2 Q Next page. There is a list.</p> <p>3 Can you read that list for us?</p> <p>4 A Sure.</p> <p>5 "A. Unauthorized collaboration;</p> <p>6 B. Plagiarism; C. Multiple submissions; D.</p> <p>7 Cheating on examinations (including</p> <p>8 prerequisite examinations); E. Fabricating</p> <p>9 information; F. Helping another person</p> <p>10 cheat; G. Unauthorized access to</p> <p>11 examination; H. altering or destroying the</p> <p>12 work of others; and I. Altering academic</p> <p>13 records."</p> <p>14 Q Correct. There's a follow-up paragraph.</p> <p>15 Can you read that, too?</p> <p>16 A Sure.</p> <p>17 "These behaviors may subject the student</p> <p>18 to disciplinary action including receiving a</p> <p>19 failing grade on assignment, examination or</p> <p>20 course, receiving a notation of a violation</p> <p>21 of academic integrity on the transcript, or</p> <p>22 suspension from the University. Serious</p> <p>23 violations discovered after a student</p> <p>24 graduates may lead to revocation of a</p> <p>25 degree. These behaviors are described in</p>	<p>1 A That's my understanding as well.</p> <p>2 Q Here's that word, "Cheating on</p> <p>3 examinations".</p> <p>4 A There it is.</p> <p>5 Q That's pretty clear there?</p> <p>6 A Yes.</p> <p>7 Q "Fabricating information," which we're going</p> <p>8 to come back to because I know this is the one that</p> <p>9 you've identified as what you're focusing on.</p> <p>10 A Yes.</p> <p>11 Q "F. Helping another person cheat." Cheating</p> <p>12 again.</p> <p>13 "Unauthorized advance access to</p> <p>14 examinations," that's giving somebody kind of an edge,</p> <p>15 and I think you mentioned that you thought that maybe</p> <p>16 some people in your --</p> <p>17 A Possibly.</p> <p>18 Q -- rotation had done that.</p> <p>19 "H. Altering or destroying the work of</p> <p>20 others." Okay. That's clearly going toward hurting</p> <p>21 somebody else's work. And then "Altering academic</p> <p>22 records."</p> <p>23 In my opinion, which may matter for nothing</p> <p>24 but I want to see if you agree, this paints a pretty</p> <p>25 clear picture of the types of behaviors we're trying</p>
<p>1 detail in the Academic Integrity</p> <p>2 Guidelines."</p> <p>3 Q Great. Let's just look at those really</p> <p>4 quick.</p> <p>5 A Sure.</p> <p>6 Q "Unauthorized collaboration," that's a fancy</p> <p>7 way of saying working with somebody on something that</p> <p>8 you weren't supposed to, I would think.</p> <p>9 Would you agree?</p> <p>10 A Yes.</p> <p>11 Q Okay. That's kind of what -- that's</p> <p>12 cheating?</p> <p>13 A Yes.</p> <p>14 Q "Plagiarism" is when you just pull something</p> <p>15 from someone else and claim that it is yours?</p> <p>16 A Okay.</p> <p>17 Q You agree?</p> <p>18 A Yes.</p> <p>19 Q Okay.</p> <p>20 A That's right.</p> <p>21 Q "Multiple submissions," I'm not entirely</p> <p>22 sure what that is but I'm assuming that would mean you</p> <p>23 would submit an assignment multiple times, maybe one</p> <p>24 after the deadline hoping that you could get credit</p> <p>25 for the better of the two?</p>	<p>1 to address.</p> <p>2 A Mostly.</p> <p>3 Q In most instances, it appears to be a way of</p> <p>4 keeping the playing field even; right?</p> <p>5 A Sure.</p> <p>6 Q We're not going to let you cheat on an exam</p> <p>7 when everybody else doesn't get to?</p> <p>8 A Right.</p> <p>9 Q We're not going to let you destroy someone</p> <p>10 else's work because they did the work and you didn't?</p> <p>11 A Right.</p> <p>12 Q We're not going to let you claim something</p> <p>13 is yours that's not, aka plagiarism; we're not going</p> <p>14 to let you do that?</p> <p>15 A Right.</p> <p>16 Q So we're on the same page. Now, if you'll</p> <p>17 turn to the Academic Integrity Guidelines which were</p> <p>18 just referenced in the paragraph you read. That is</p> <p>19 6.01.</p> <p>20 A Okay.</p> <p>21 Q I think Page 11 of the policy.</p> <p>22 A Okay. 6.01?</p> <p>23 Q Yes.</p> <p>24 A Sure. Would you like me to read?</p> <p>25 Q No, not going to have read all of it. It's</p>

<p style="text-align: right;">Page 234</p> <p>1 too long.</p> <p>2 A Okay.</p> <p>3 Q You can thank me later.</p> <p>4 A Yes.</p> <p>5 Q Let me ask you the question because we just</p> <p>6 kind of summarized and talked about all of those</p> <p>7 things.</p> <p>8 Would you agree that none of the outlined</p> <p>9 academic integrity violations that we just mentioned</p> <p>10 and discussed would apply to you in any way, shape or</p> <p>11 form other than the fact that you've alleged that</p> <p>12 fabrication of information does apply to you?</p> <p>13 A That's correct, yes.</p> <p>14 Q So none of the other ones we even need to</p> <p>15 worry about because they don't apply?</p> <p>16 A They don't apply.</p> <p>17 Q Okay. Then we can skip ahead to E. which is</p> <p>18 the definition of fabricating information.</p> <p>19 Would you read that one for us?</p> <p>20 A Sure.</p> <p>21 "Fabricating Information: Making up</p> <p>22 references for a bibliography, falsifying</p> <p>23 laboratory research data (for example,</p> <p>24 tampering with experimental data to obtain</p> <p>25 'desired' results or creating results for</p>	<p style="text-align: right;">Page 236</p> <p>1 course, for the rotation.</p> <p>2 Q This is me asking a very poor question.</p> <p>3 A Sure. No problem.</p> <p>4 Q You majored in biology at one point? Didn't</p> <p>5 we talk about that, in chemistry?</p> <p>6 A Yes.</p> <p>7 Q Chemistry is even better. You said</p> <p>8 chemistry?</p> <p>9 A Yes.</p> <p>10 Q So you know. There's a didactic portion of</p> <p>11 a class and then you also have the lab?</p> <p>12 A That's correct.</p> <p>13 Q Okay. Your rotations were not set up that</p> <p>14 way; correct?</p> <p>15 A Can you repeat that?</p> <p>16 Q Yes. The rotations at the College of</p> <p>17 Veterinary Medicine were not set in a way where you</p> <p>18 have a didactic portion and then go for a few hours to</p> <p>19 the laboratory to do experiments and things like that;</p> <p>20 is that correct?</p> <p>21 My understanding of what you're suggesting</p> <p>22 is you might have drawn blood from an animal that had</p> <p>23 to be submitted for testing for treatment of the</p> <p>24 animal not for research data.</p> <p>25 Would that be correct?</p>
<p style="text-align: right;">Page 235</p> <p>1 experiments that were not done), or using a</p> <p>2 false excuse for an absence or an extension</p> <p>3 on a due date."</p> <p>4 Q Which of those things did you do?</p> <p>5 A In the case that there was falsifying</p> <p>6 laboratory research data, I felt like that was</p> <p>7 including on my situation.</p> <p>8 Q What research data were you falsifying?</p> <p>9 A Experimental data which includes results or</p> <p>10 creating results of experiments which would -- results</p> <p>11 of blood work and others issues with blood works or</p> <p>12 vaccinations, things like that.</p> <p>13 Q Was it being submitted for laboratory</p> <p>14 research?</p> <p>15 A Does it have to be submitted for ---</p> <p>16 Q I didn't say that. I'm asking. Was it?</p> <p>17 A For research, for test results, yes, you</p> <p>18 have to submit the results. You have to submit the</p> <p>19 blood work to a lab to get the results to get the</p> <p>20 answers of what's going on with the experiment.</p> <p>21 Q It was not a university lab?</p> <p>22 A It was actually.</p> <p>23 Q Scratch that. It wasn't a university lab</p> <p>24 that you would have worked in as part of your course?</p> <p>25 A We had to go to the lab in school for the</p>	<p style="text-align: right;">Page 237</p> <p>1 A Yes.</p> <p>2 Q Okay. So again, we talked about these</p> <p>3 academic integrity violations being set up to try to</p> <p>4 ensure that students were on the same playing field;</p> <p>5 right?</p> <p>6 A Yes.</p> <p>7 Q Falsifying lab data to help you get desired</p> <p>8 results is essentially cheating.</p> <p>9 Would you agree?</p> <p>10 A Yes.</p> <p>11 Q That's not what you did here; correct?</p> <p>12 A No. Because the situation was when I did</p> <p>13 give the blood work and I did give the results to the</p> <p>14 owner, I was said something else, that I didn't do it,</p> <p>15 I didn't do that part and that wasn't entirely true.</p> <p>16 So I was being told I was lying in that aspect.</p> <p>17 Q To be clear, you disagreed that you were</p> <p>18 lying?</p> <p>19 A Absolutely. Yes.</p> <p>20 Q But you're alleging that because they said</p> <p>21 they didn't believe you were being honest, that that</p> <p>22 qualifies as falsifying information?</p> <p>23 A Yes. They thought I was falsifying</p> <p>24 information, that's correct.</p> <p>25 Q Okay. Now, we talked about this earlier,</p>

<p style="text-align: right;">Page 238</p> <p>1 too. An academic integrity violation, that's a big</p> <p>2 deal?</p> <p>3 A It is.</p> <p>4 Q Goes on your transcript?</p> <p>5 A Yes.</p> <p>6 Q It's a problem?</p> <p>7 A Yes.</p> <p>8 Q But you wish you had been brought up under</p> <p>9 that standard?</p> <p>10 A I wish I was given the opportunity to</p> <p>11 explain my allegations, yes, and to provide my</p> <p>12 evidence, that's correct.</p> <p>13 Q You believe that the instructors believing</p> <p>14 that you were dishonest on a couple of occasions</p> <p>15 amounts to the fabrication of information which should</p> <p>16 have resulted in an academic integrity violation,</p> <p>17 going through the process, and having you come up on</p> <p>18 an academic integrity violation --</p> <p>19 A Trial.</p> <p>20 Q -- trial?</p> <p>21 A That's correct.</p> <p>22 Q Okay. I wanted to make sure that I'm</p> <p>23 understanding that.</p> <p>24 A Yes.</p> <p>25 Q Now, you claim that OSU breached its</p>	<p style="text-align: right;">Page 240</p> <p>1 A That's correct.</p> <p>2 Q And you base that upon a -- from what I can</p> <p>3 tell -- singular sentence in this evaluation that</p> <p>4 says, we've already talked about it:</p> <p>5 "More than one occasion where this student</p> <p>6 was not telling the truth regarding what he</p> <p>7 had or had not done concerning patient</p> <p>8 care."</p> <p>9 Is that accurate?</p> <p>10 A Yes.</p> <p>11 Q Nothing in that sentence says anything about</p> <p>12 fabricating information, falsifying information,</p> <p>13 tampering with experimental data to obtain desired</p> <p>14 results, creating results for experiments that were</p> <p>15 not done.</p> <p>16 Do you see anything in there, other than</p> <p>17 what I read, to base your allegation that you should</p> <p>18 have been subjected to the academic integrity policy?</p> <p>19 A Yes. I do see a few examples. One was with</p> <p>20 Daphne.</p> <p>21 THE REPORTER: Daphne?</p> <p>22 THE WITNESS: The first example is Daphne.</p> <p>23 It's the name of the dog, D-A-P-H-N-E.</p> <p>24 She mentioned the interpretation of the</p> <p>25 laboratory values and the blood work were not accurate</p>
<p style="text-align: right;">Page 239</p> <p>1 contract because it did not subject you to a policy.</p> <p>2 Are you aware of anyone in the particular</p> <p>3 circumstances that you are that has ever been accused</p> <p>4 of falsifying information and having violated the</p> <p>5 academic integrity violation?</p> <p>6 A At Oklahoma State?</p> <p>7 Q At Oklahoma State.</p> <p>8 A No.</p> <p>9 Q Okay. Now, I want to go back and look. I</p> <p>10 think it's Exhibit 4 that you've already looked at.</p> <p>11 A Okay.</p> <p>12 Q If that's the community practice rotation</p> <p>13 evaluation.</p> <p>14 MR. BACH: Can we go off the record for just</p> <p>15 a second?</p> <p>16 MR. PRATT: Sure.</p> <p>17 (Discussion held off the record)</p> <p>18 Q (BY MR. PRATT) The allegation that we've</p> <p>19 talked about is that OSU breached its contract because</p> <p>20 it did not follow its policies.</p> <p>21 You allege that it should have followed its</p> <p>22 academic integrity violation policy?</p> <p>23 A Yes.</p> <p>24 Q And because it did not, it breached its</p> <p>25 contract with you?</p>	<p style="text-align: right;">Page 241</p> <p>1 "as you overlooked abnormal findings."</p> <p>2 Q (BY MR. PRATT) Do you read that as</p> <p>3 suggesting that you intentionally filed inaccurate</p> <p>4 results or that you come up with inaccurate results?</p> <p>5 A I came in with accurate results to her on</p> <p>6 the second meeting regarding that and she mentioned --</p> <p>7 she didn't mention that they were inaccurate until the</p> <p>8 end of this evaluation (indicating).</p> <p>9 Q Well, this says they're not accurate, not</p> <p>10 that they were fabricated.</p> <p>11 A Right. But she didn't use the word</p> <p>12 fabrication.</p> <p>13 Q Right. Because "not accurate" means that</p> <p>14 they were wrong.</p> <p>15 A She mentioned that they were not what she</p> <p>16 wanted to hear, that they were skewed or they were not</p> <p>17 the right answers.</p> <p>18 Q But no suggestion that you did that</p> <p>19 intentionally?</p> <p>20 A Right.</p> <p>21 Q Just that you got it wrong?</p> <p>22 A She mentioned that they were overlooked</p> <p>23 which it means -- when I mention the abnormal findings</p> <p>24 to her in that second meeting, I mentioned to her</p> <p>25 those findings, those abnormal findings that she</p>

<p>Page 242</p> <p>1 mentioned here, the liver enzymes and the proteinuria.</p> <p>2 But in this case regarding -- she mentioned that they</p> <p>3 were not accurate. They were -- like as if I</p> <p>4 didn't -- like I just fabricated it. Like I</p> <p>5 didn't ---</p> <p>6 Q No, that is not what that says.</p> <p>7 A But she's mentioning that they're not --</p> <p>8 they were overlooked.</p> <p>9 Q They're wrong. They're not accurate.</p> <p>10 They're wrong. That to me is an example of the</p> <p>11 constructive criticism that we've been talking about</p> <p>12 throughout the day.</p> <p>13 A The constructive criticisms were actually</p> <p>14 allegations.</p> <p>15 Q Okay. Let's move on. That was your example</p> <p>16 of fabrication of information?</p> <p>17 A Right.</p> <p>18 Q Anything else?</p> <p>19 A The big one was that she said:</p> <p>20 "More than one occasion where this student</p> <p>21 was not telling the truth regarding what he</p> <p>22 had or had not done concerning patient</p> <p>23 care."</p> <p>24 Q We talked about that.</p> <p>25 Nothing in there says you fabricated any</p>	<p>Page 244</p> <p>1 an accurate -- because I could say a certain thing and</p> <p>2 they feel like I'm making an excuse or being</p> <p>3 dishonest, like fabricating information, like trying</p> <p>4 to change what really -- what happened, and that's</p> <p>5 part of the honesty situation.</p> <p>6 So the second one I feel could be possible</p> <p>7 because it was resulting with abnormalities with blood</p> <p>8 work and things like that which is experimental data.</p> <p>9 Q To be fair, I don't know if there's a</p> <p>10 confusion in our communication or not. I seem to</p> <p>11 think that you're -- something being accurate and not</p> <p>12 accurate, just because something is not accurate</p> <p>13 doesn't mean it's fabricated.</p> <p>14 Would you agree with that?</p> <p>15 A No.</p> <p>16 Q So your interpretation of fabrication is</p> <p>17 simply that it's wrong?</p> <p>18 A When she mentions when I discuss the blood</p> <p>19 work and I discussed the blood work which is data, am</p> <p>20 I wrong about that?</p> <p>21 Q No. I can go with blood work being data.</p> <p>22 Do you not consider fabrication of any kind</p> <p>23 of information to have some level of intention behind</p> <p>24 it, intentionally falsifying?</p> <p>25 A Yes. You're falsifying information.</p>
<p>Page 243</p> <p>1 information? It just indicates that she didn't</p> <p>2 believe that you were being honest?</p> <p>3 A That's correct.</p> <p>4 Q Okay. Now, that is one of what I think</p> <p>5 earlier -- and it was interesting because you read</p> <p>6 through the list of bullet point items that she says</p> <p>7 you are not passing "because I believe you are unable</p> <p>8 to successfully:"</p> <p>9 A Sorry. Say that again. Sorry.</p> <p>10 Q Earlier you inserted numbers 1 through 8 in</p> <p>11 a series of bullet points that says:</p> <p>12 "Therefore, I am not passing you because I</p> <p>13 believe you are unable to successfully: and</p> <p>14 then it says: Effectively communicate</p> <p>15 information to the supervising doctor."</p> <p>16 A Yes, I do see that.</p> <p>17 Q Anything about that that would be an</p> <p>18 academic integrity violation?</p> <p>19 A No.</p> <p>20 Q "Perform a physical and accurately identify</p> <p>21 abnormalities and communicate these to the</p> <p>22 clients and supervising doctor."</p> <p>23 Anything about that that would be an</p> <p>24 academic integrity violation?</p> <p>25 A Yes. I feel like that's partially could be</p>	<p>Page 245</p> <p>1 According -- what she's telling me is that she says I</p> <p>2 falsified information, that I was giving wrong</p> <p>3 abnormalities like or not looking over the</p> <p>4 abnormalities.</p> <p>5 Q So again, you're inserting the word there</p> <p>6 that you think that she's alleging that you</p> <p>7 intentionally gave a wrong answer.</p> <p>8 Do you think it's possible for people to</p> <p>9 give a wrong answer and do so unintentionally?</p> <p>10 A It's possible.</p> <p>11 Q Do people make mistakes?</p> <p>12 A It's possible.</p> <p>13 Q Is it possible that she's saying here that</p> <p>14 your inability to give accurate reports is because she</p> <p>15 thinks that you're getting it wrong and not that she</p> <p>16 thinks you're lying?</p> <p>17 A It's possible. But she said here:</p> <p>18 "More than one occasion where this student</p> <p>19 was not telling the truth regarding what he</p> <p>20 had or had not done concerning patient</p> <p>21 care."</p> <p>22 Q That's a separate one --</p> <p>23 A That's involving ---</p> <p>24 Q -- that we will get to at the end.</p> <p>25 A That's involving journal but, yes.</p>

<p style="text-align: right;">Page 246</p> <p>1 Q So the next one is:</p> <p>2 "Develop and implement a Treatment Plan for</p> <p>3 a sick patient."</p> <p>4 She says you have an inability to do that.</p> <p>5 A Okay.</p> <p>6 Q Is there anything about that that's an</p> <p>7 academic integrity violation?</p> <p>8 A That could involve data as well so, yeah,</p> <p>9 it's possible.</p> <p>10 Q Okay. I think you and I, and perhaps we'll</p> <p>11 just have to see where we go down the road, are going</p> <p>12 to disagree on what would qualify as an academic</p> <p>13 integrity violation.</p> <p>14 Do you not believe that an academic</p> <p>15 integrity violation requires some level of intent?</p> <p>16 A Yes, I believe. It's possible that</p> <p>17 intent -- in this case they were intending that I was</p> <p>18 lying, so in regarding ---</p> <p>19 Q Where does it say that?</p> <p>20 A At the end in regards to "This student was</p> <p>21 not telling the truth regarding what he had or had not</p> <p>22 done concerning patient care."</p> <p>23 Q That's No. 9 on the list.</p> <p>24 A Okay. Is it No. 9?</p> <p>25 Q No. You numbered them earlier.</p>	<p style="text-align: right;">Page 248</p> <p>1 results to us as clinicians as the people in charge,</p> <p>2 yes.</p> <p>3 Q So I think you said that the first one was</p> <p>4 not but the second one ---</p> <p>5 A The first one is possible because the second</p> <p>6 and third one are also involved with supervising</p> <p>7 doctors, so I take that back. It does include it then</p> <p>8 because if you're effectively communicating to a</p> <p>9 supervising doctor that will include data as well.</p> <p>10 Q So do you believe you should have academic</p> <p>11 integrity violations filed against you?</p> <p>12 A Nine?</p> <p>13 Q Yeah.</p> <p>14 A I don't think they would have done nine.</p> <p>15 Q Well, they didn't do any but you're thinking</p> <p>16 that they should have?</p> <p>17 A They should have.</p> <p>18 Q And now you're telling me that all of these</p> <p>19 involve potential fabrication of information which I</p> <p>20 have to say is concerning in patient care if you're</p> <p>21 fabricating information with regard to all of them.</p> <p>22 I will say that when I read this, I have yet</p> <p>23 to see where that is stated and I'm still wanting you</p> <p>24 to tell me. You keep saying data is present.</p> <p>25 Data is not fabrication. Wrong data is not</p>
<p style="text-align: right;">Page 247</p> <p>1 A That's correct, yes, but ---</p> <p>2 Q The eight others say nothing about that.</p> <p>3 That is a separate point.</p> <p>4 A It seems like a summary though at the end.</p> <p>5 Q The next one says:</p> <p>6 "Effectively communicate vital information</p> <p>7 about the case to stakeholders including but</p> <p>8 not limited to clients, students, nurses,</p> <p>9 staff members and faculty."</p> <p>10 Anything about that that should qualify as</p> <p>11 an academic integrity violation?</p> <p>12 A I feel that think could be included in there</p> <p>13 as well so, yeah.</p> <p>14 Q "Effectively communicate vital information,</p> <p>15 including but not limited to diagnostics and</p> <p>16 case follow-up, to clients and team</p> <p>17 members."</p> <p>18 A Yes.</p> <p>19 Q Academic integrity violation?</p> <p>20 A Yes.</p> <p>21 Q "Demonstrate Professional/Ethical Behavior</p> <p>22 and Work Ethic."</p> <p>23 A Also included because that includes whether</p> <p>24 or not you're fabricating information or you are</p> <p>25 per se lying about such results or if you've done said</p>	<p style="text-align: right;">Page 249</p> <p>1 fabrication. Intentionally wrong data would be</p> <p>2 fabrication, is my understanding. Maybe we disagree.</p> <p>3 A Disagreement in regards to integrity</p> <p>4 situation because fabricating information is based on</p> <p>5 what they're telling me in this report in this</p> <p>6 evaluation grade.</p> <p>7 They're saying that I did not give the data</p> <p>8 needed to the supervising doctors, the technician,</p> <p>9 et cetera, et cetera, and I did. So to me that is</p> <p>10 fabrication on its own. I had the proof to show that</p> <p>11 and I wasn't given that trial that could have happened</p> <p>12 to prove my innocence that I did such things. You</p> <p>13 understand that?</p> <p>14 Q So if they told you that you got an answer</p> <p>15 wrong, that is an allegation that you were falsifying</p> <p>16 or fabricating information; is that correct?</p> <p>17 A According to what they said on this report,</p> <p>18 yes. It led to that -- it could have led to that.</p> <p>19 Q Okay. So during your extensive educational</p> <p>20 studies both in undergrad and in getting your masters,</p> <p>21 did you ever miss a problem or a question on any exam</p> <p>22 that you took in any course?</p> <p>23 A Sure. Yeah. Yes.</p> <p>24 Q Did you do so intentionally?</p> <p>25 A In certain circumstances, yeah, I would skip</p>

<p style="text-align: right;">Page 250</p> <p>1 a question if I didn't have enough time, if I didn't</p> <p>2 know the answer. Sometimes you intentionally would do</p> <p>3 that.</p> <p>4 Q So every one that you provided an answer to</p> <p>5 you were correct, you got the correct answer? Unless</p> <p>6 you skipped it, you got the right answer on every</p> <p>7 question?</p> <p>8 A I don't follow. Can you repeat that?</p> <p>9 Q Sure. You take an exam. It has 20</p> <p>10 questions on it.</p> <p>11 A Sure.</p> <p>12 Q Two of them are difficult. You skip them.</p> <p>13 A Okay.</p> <p>14 Q Okay. You got all 18 remaining questions on</p> <p>15 that exam correct in every single class that you took,</p> <p>16 other than the ones you skipped, every other answer</p> <p>17 you gave was correct?</p> <p>18 A Possible. I mean, you choose the best</p> <p>19 answer. It could be wrong or right though.</p> <p>20 Q No. It can't be right or wrong. It can</p> <p>21 either be right or it can be wrong and you either get</p> <p>22 credit for it or you don't.</p> <p>23 A So why is that wrong? I mentioned that. I</p> <p>24 could be a right or wrong answer. Am I wrong?</p> <p>25 Q I'm asking you.</p>	<p style="text-align: right;">Page 252</p> <p>1 I'm just trying to get an understanding of</p> <p>2 what you think fabrication of information means.</p> <p>3 A You mentioned -- hold on. I do understand</p> <p>4 it. You mentioned that there can be multiple academic</p> <p>5 integrity violations; correct?</p> <p>6 Q Okay. Yes.</p> <p>7 A But in this case, as I mentioned, this was</p> <p>8 an overall fabrication of information regarding the</p> <p>9 lying and everything, the allegations that we -- I</p> <p>10 mentioned in the Interrogatories.</p> <p>11 THE REPORTER: Was or wasn't?</p> <p>12 MR. BACH: Just give her the word.</p> <p>13 THE WITNESS: Sorry. That was included in</p> <p>14 the interrogatories and the allegations. I didn't</p> <p>15 know there was multiple violations that could occur in</p> <p>16 one certain course. I did not know that. But I</p> <p>17 thought as a whole, yes, I should have been given an</p> <p>18 integrity violation and I should have gone to a trial</p> <p>19 to prove my honesty.</p> <p>20 Q (BY MR. PRATT) I understand that that's what</p> <p>21 you believe. My point to you is there are a number,</p> <p>22 in fact eight, eight separate points made solely by</p> <p>23 Dr. Syp. Dr. DeMars has additional comments on which</p> <p>24 your grade was based.</p> <p>25 A Uh-huh.</p>
<p style="text-align: right;">Page 251</p> <p>1 A Yes.</p> <p>2 Q Maybe you're not understanding my example,</p> <p>3 so let me start over.</p> <p>4 A Sure. Go ahead.</p> <p>5 Q In the entire time that you've been in</p> <p>6 higher education, have you ever missed a problem or a</p> <p>7 question that you presented an answer for and it was</p> <p>8 determined to be wrong?</p> <p>9 A Yes.</p> <p>10 Q So at that point then had you fabricated</p> <p>11 information?</p> <p>12 A I don't think that's a good example.</p> <p>13 Q No. It's a perfect example because they're</p> <p>14 telling you in these that you got things wrong.</p> <p>15 A But you're mentioning ---</p> <p>16 Q You made mistakes.</p> <p>17 A You're mentioning an objective versus</p> <p>18 subjective situation.</p> <p>19 Q No, I'm not. I just want to talk about</p> <p>20 this. You told me that each one of these involves an</p> <p>21 academic integrity violation potentially.</p> <p>22 A All of them?</p> <p>23 Q That's what you said. Every single one of</p> <p>24 these. You went back. I said the first one doesn't.</p> <p>25 You said, no. All of them do.</p>	<p style="text-align: right;">Page 253</p> <p>1 Q You received a D. It was your second D in</p> <p>2 the program.</p> <p>3 A That's right.</p> <p>4 Q And OSU followed its policies with regard to</p> <p>5 that.</p> <p>6 A No.</p> <p>7 Q You've already acknowledged that they did.</p> <p>8 You got a D. You got a second D.</p> <p>9 A I acknowledged that they ---</p> <p>10 MR. BACH: Let him finish.</p> <p>11 THE WITNESS: Sorry.</p> <p>12 Q (BY MR. PRATT) You went through the PSC</p> <p>13 process. I understand that you feel like an academic</p> <p>14 integrity violation should have been filed in addition</p> <p>15 to this.</p> <p>16 A That's correct.</p> <p>17 Q You still received a D. There's eight other</p> <p>18 reasons there for why you received the grade that you</p> <p>19 did.</p> <p>20 A Yes. The question though was -- or the</p> <p>21 question I was trying to say was when you mentioned</p> <p>22 when you sent the exhibit regarding the procedure that</p> <p>23 OSU did was the appeals process and it was revolving</p> <p>24 the grades that occurred that could happen after two</p> <p>25 D's. That procedure did it correctly.</p>

<p>Page 254</p> <p>1 What I'm trying to say is, no, they didn't</p> <p>2 do it all correctly because when someone is saying</p> <p>3 considered fabrication or changing answers or in this</p> <p>4 case it meant lying -- it resulted in lying, saying</p> <p>5 that I lied, that should have been done.</p> <p>6 There should have been a violation to that</p> <p>7 and I should have proved my honest regarding that</p> <p>8 fabrication.</p> <p>9 Q I understand that your belief is that in</p> <p>10 addition to the processes that you were subjected to</p> <p>11 you should have also been given an opportunity to</p> <p>12 defend your truthfulness based on the single comment</p> <p>13 that was made about your honesty in the evaluation.</p> <p>14 Those processes don't occur instead of one</p> <p>15 another. You would have been subjected to the same</p> <p>16 processes that you've acknowledged were done</p> <p>17 correctly.</p> <p>18 A Sorry. I'm looking.</p> <p>19 Q You're fine. Take your time. I think I can</p> <p>20 speed us through this. I have one question left and</p> <p>21 then we can move onto something else.</p> <p>22 A Sure.</p> <p>23 Q I don't want speculation. I want you to</p> <p>24 show me in that evaluation in those first eight points</p> <p>25 where you see an allegation that you intentionally</p>	<p>Page 256</p> <p>1 Q I'm asking about ---</p> <p>2 A This is a summary from what the examples she</p> <p>3 gave me though. But, yes, in regards to what she's</p> <p>4 saying, I did believe that, yes, there was multiple</p> <p>5 situations where there were supposed to be fabrication</p> <p>6 there.</p> <p>7 Q What does that mean?</p> <p>8 A The fabrication violations were done because</p> <p>9 it involved data, as I mentioned. And they said, even</p> <p>10 though I said the correct answers ---</p> <p>11 Q Where does it say that?</p> <p>12 A It involves that.</p> <p>13 Q No. Where does it say it?</p> <p>14 A It involves based on the examples that were</p> <p>15 given before that because it's a summary and a list.</p> <p>16 So this list of seven things is a summary of the</p> <p>17 example that she gave prior.</p> <p>18 Q I wouldn't even disagree with you if you</p> <p>19 wanted to say that the more than one occasion that</p> <p>20 this student was not telling the truth deals with the</p> <p>21 examples up above as well.</p> <p>22 A Sure.</p> <p>23 Q And shows an opportunity for you to at least</p> <p>24 say she's questioning your honesty.</p> <p>25 A Absolutely.</p>
<p>Page 255</p> <p>1 fabricated, falsified, provided inaccurate data.</p> <p>2 Intentionally is the keyword.</p> <p>3 A No. I do have a question regarding the</p> <p>4 fabrication of information. What if they're</p> <p>5 fabricating the information versus not me trying to</p> <p>6 get the right information?</p> <p>7 Q That's not part of this. What I'm asking is</p> <p>8 in those eight points, she's pointed out eight things</p> <p>9 that -- I think it's eight. I keep saying eight. You</p> <p>10 counted eight. I hope it's eight.</p> <p>11 MR. BACH: It's not.</p> <p>12 Q (BY MR. BACH) It's not eight? One, two,</p> <p>13 three, four, five, six, seven. There's seven.</p> <p>14 A There's seven. That's correct.</p> <p>15 Q Okay. But she says:</p> <p>16 "Therefore, I am not passing you because I</p> <p>17 believe you are unable to successfully:" ---</p> <p>18 A And this resulted from one -- from what --</p> <p>19 example that she gave; correct?</p> <p>20 Q And she listed seven things in her</p> <p>21 evaluation of your performance.</p> <p>22 A But from what examples before that? Why are</p> <p>23 we skipping the examples?</p> <p>24 Q I'm not asking about the examples.</p> <p>25 A I know. I understand. I understand.</p>	<p>Page 257</p> <p>1 Q I think that's clear she does question your</p> <p>2 honesty.</p> <p>3 A Yes.</p> <p>4 Q Now, does it qualify as fabrication of</p> <p>5 information? Perhaps you think it does.</p> <p>6 A It does, yeah.</p> <p>7 Q You think it does.</p> <p>8 A Uh-huh.</p> <p>9 Q The policy I believe says otherwise.</p> <p>10 However, there are seven other points there that have</p> <p>11 nothing to do with the fabrication of information,</p> <p>12 have to do with honesty. All they have to do with is</p> <p>13 your performance.</p> <p>14 A And the performance involved honesty.</p> <p>15 Q These seven points make no reference to your</p> <p>16 honesty. Your honesty is addressed in the final</p> <p>17 point.</p> <p>18 A "Effectively communicate information to</p> <p>19 supervising doctor." To me that's part of honesty.</p> <p>20 You're explaining everything that happened with the</p> <p>21 patient so that could also be included.</p> <p>22 Q Okay.</p> <p>23 A This list has multiple situations where that</p> <p>24 could happen, where dishonesty and honesty is very</p> <p>25 important to be explaining of a treatment plan,</p>

<p style="text-align: right;">Page 258</p> <p>1 "performing a physical and accurately identify</p> <p>2 abnormalities and communicate these to the client and</p> <p>3 the supervising doctor," those are all included and</p> <p>4 that's important in regards to honesty between the</p> <p>5 clinician and yourself.</p> <p>6 Q I would agree that honesty is a big thing.</p> <p>7 A And it involved a lot of those things on the</p> <p>8 list.</p> <p>9 Q Do you believe that OSU should be</p> <p>10 financially responsible for the education of all</p> <p>11 students who are unsuccessful in their chosen field?</p> <p>12 A No. If they're -- if everything has been</p> <p>13 following, if that's what you're asking -- you're</p> <p>14 asking all in general?</p> <p>15 Q All in general.</p> <p>16 A No. Because there's different circumstances</p> <p>17 for that.</p> <p>18 Q Do you agree that OSU has a responsibility</p> <p>19 to ensure its graduating veterinarians are competent</p> <p>20 to provide veterinary care to the general public?</p> <p>21 A Yes.</p> <p>22 Q Do you agree that it's reasonable for OSU to</p> <p>23 dismiss a student from its veterinary program if they</p> <p>24 demonstrate a consistent and repeated inability to</p> <p>25 meet minimum academic standards?</p>	<p style="text-align: right;">Page 260</p> <p>1 Q -- who consistently fails to meet minimum</p> <p>2 academic standards.</p> <p>3 A Okay.</p> <p>4 Q Is it reasonable for OSU to dismiss such a</p> <p>5 student?</p> <p>6 A No.</p> <p>7 Q Why?</p> <p>8 A Because there's many -- if I am not included</p> <p>9 as an example, they should always be included that</p> <p>10 that based on just subjective grading how do you know</p> <p>11 that it's all true?</p> <p>12 Q So OSU should never have the ability to</p> <p>13 dismiss a student regardless of however poor their</p> <p>14 performance may be?</p> <p>15 A If full rights are given to the student and</p> <p>16 the answers are clear that he has not performed -- he</p> <p>17 or she is not performing well then, yes, they do have</p> <p>18 the right to do that, but they have to be given full</p> <p>19 rights as a student.</p> <p>20 Q I understand your point.</p> <p>21 My question is: Is it reasonable, not can</p> <p>22 they, is it reasonable for OSU to dismiss a student</p> <p>23 who consistently fails to meet academic standards?</p> <p>24 A If full rights are given to the student and</p> <p>25 everything was resulted that they found the results</p>
<p style="text-align: right;">Page 259</p> <p>1 A If there's full proof of that without giving</p> <p>2 the full student rights, yes.</p> <p>3 Q So that's a yes?</p> <p>4 A If not -- if given full student rights, yes.</p> <p>5 Q Why?</p> <p>6 A As a student, you have full rights to prove</p> <p>7 that you're capable.</p> <p>8 Q That's not my question.</p> <p>9 My question is: Why do you believe that it</p> <p>10 is reasonable for OSU to dismiss a student from the</p> <p>11 veterinary medicine program if that student</p> <p>12 demonstrates a consistent and repeated inability to</p> <p>13 meet minimum academic standards?</p> <p>14 A Based on since the fourth year, the</p> <p>15 situation is very subjective, meaning that this person</p> <p>16 can say one thing about you and if it's not accurate</p> <p>17 on the evaluation, then I don't think that's plausible</p> <p>18 to dismiss someone based on that.</p> <p>19 Q Who gets to determine accuracy of the</p> <p>20 evaluation?</p> <p>21 A That's the reason why the appeal process is</p> <p>22 formed. Am I wrong?</p> <p>23 Q So I'm not asking the question about you.</p> <p>24 I'm asking the question about a student --</p> <p>25 A A student.</p>	<p style="text-align: right;">Page 261</p> <p>1 that they need to be dismissed, yes, absolutely.</p> <p>2 Q It's a yes or no question.</p> <p>3 A Sorry. Yes, then. In simple terms, yes.</p> <p>4 Q Do you agree that a student who receives an</p> <p>5 F and three D's during the course of their veterinary</p> <p>6 education has consistently failed to meet minimum</p> <p>7 academic standards?</p> <p>8 A Repeat the question again, please.</p> <p>9 Q Do you agree that a veterinary student who's</p> <p>10 received an F and three D's during the course of their</p> <p>11 veterinary education has consistently failed to meet</p> <p>12 academic standards?</p> <p>13 MR. BACH: Object to the form of the</p> <p>14 question.</p> <p>15 THE WITNESS: Yes.</p> <p>16 MR. PRATT: Go off the record for a minute.</p> <p>17 Pass the witness.</p> <p>18 (Recess taken from 4:24 to 4:26)</p> <p>19 CROSS EXAMINATION</p> <p>20 BY MR. BACH:</p> <p>21 Q Jonathan, I just have a question follow-up</p> <p>22 for you on Exhibit No. 4.</p> <p>23 Do you still have that in front of you?</p> <p>24 A Let's see. Right here, yes, I do. Yes.</p> <p>25 Q In addition to the allegations of not</p>

<p style="text-align: right;">Page 262</p> <p>1 telling the truth that Dr. Syp --</p> <p>2 A Dr. Syp, yes.</p> <p>3 Q -- alleged in the top half of the second</p> <p>4 page here, did Dr. DeMars also accuse you of</p> <p>5 dishonesty?</p> <p>6 A Yes, he did.</p> <p>7 Q Can you read the section where he talks</p> <p>8 about that?</p> <p>9 A Sure. In regards to Papa Alexander and his</p> <p>10 example, and 185382 is the patient number, he says</p> <p>11 here on the second sentence:</p> <p>12 "Suspected of lying about handing the</p> <p>13 receptionist the estimate sheet as</p> <p>14 instructed."</p> <p>15 Q What does the final sentence in that</p> <p>16 paragraph say?</p> <p>17 A It said that:</p> <p>18 "She discovered the TPR had not been</p> <p>19 performed and confronted him on this lack of</p> <p>20 evaluation and worse, lack of honesty."</p> <p>21 Q Was part of your grade in this course</p> <p>22 professionalism and work ethic?</p> <p>23 A Yes, it was.</p> <p>24 Q And you received 12.25 out of 20 pointes on</p> <p>25 that; is that accurate?</p>	<p style="text-align: right;">Page 264</p> <p>1 deposition now, she's been typing down everything that</p> <p>2 we have been saying, making this long record that we</p> <p>3 will get to review, once she has it done she will send</p> <p>4 it to us and you'll get an opportunity to take a look</p> <p>5 at it. Okay.</p> <p>6 In doing so, you'll have an opportunity to</p> <p>7 review for any mistakes, any typos, anything you might</p> <p>8 see that needs correction and you can talk about that</p> <p>9 with your attorney or you can choose to waive today.</p> <p>10 MR. BACH: I would encourage you to read it.</p> <p>11 THE WITNESS: Absolutely. I would like to</p> <p>12 read it.</p> <p>13 (Signature required; witness excused)</p> <p>14 (Proceedings concluded at 4:29 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 263</p> <p>1 A That is accurate.</p> <p>2 Q Do you believe that if you had had an</p> <p>3 opportunity to demonstrate that these allegations were</p> <p>4 not true that that number of points would have been</p> <p>5 higher?</p> <p>6 A Yes. That's correct.</p> <p>7 Q Do you suspect that it would have been more</p> <p>8 than 1.7 points higher?</p> <p>9 A Yes.</p> <p>10 Q And that would have resulted in a different</p> <p>11 grade; is that right?</p> <p>12 A That's correct, yes.</p> <p>13 Q And that would be a C?</p> <p>14 A That would be a C, yes.</p> <p>15 Q That's a passing grade?</p> <p>16 A That is correct.</p> <p>17 Q Okay. So had you gone into the</p> <p>18 anesthesiology course with Dr. Di Concetto, regardless</p> <p>19 of all the other issues that were going on, you would</p> <p>20 have at the very least had an opportunity to retake</p> <p>21 that exam had you received a C in community practice?</p> <p>22 A Yes. That's correct.</p> <p>23 MR. BACH: That's all I have.</p> <p>24 MR. PRATT: Nothing further.</p> <p>25 You have the opportunity at the end of this</p>	

J U R A T

STATE OF _____)
COUNTY OF _____) SS:

I, JONATHAN RIVERA-PIEROLA, do hereby state
under oath that I have read the above and foregoing
deposition in its entirety and that the same is a
full, true and correct transcription of my testimony
so given at said time and place, except for the
corrections noted.

(___) CORRECTIONS ATTACHED

(___) NO CORRECTIONS

JONATHAN RIVERA-PIEROLA

Subscribed and sworn to before me, a Notary
Public in and for the State of _____ by
said witness, JONATHAN RIVERA-PIEROLA, on this, the
_____ day of _____, 2023.

Notary Public in and for the State of

My Commission Expires: _____

1 E R R A T A S H E E T

2 DEPOSITION OF JONATHAN RIVERA-PIEROLA

3 IN RE: RIVERA-PIEROLA vs. BOARD OF REGENTS, et al.;

4 No. 5:21-cv-00616-PRW

5 DATE: APRIL 26, 2023

6 REPORTER: ELIZABETH J. CAMPBELL, CSR, RPR

7 PG/LN CORRECTION REASON FOR CORRECTION

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1 C E R T I F I C A T E

2 STATE OF OKLAHOMA)
3) SS:
4 COUNTY OF OKLAHOMA)

5 I, ELIZABETH J. CAMPBELL, a certified
6 shorthand reporter within and for the State of
7 Oklahoma, certify that JONATHAN RIVERA-PIEROLA was
8 by me sworn to testify the truth; that the
9 deposition was taken by me in stenotype and
10 thereafter transcribed by computer and is a true and
11 correct transcript of the testimony of the witness;
12 that the deposition was taken on April 26, 2023, at
13 9:58 a.m., at the offices of InstaScript, Oklahoma
14 City, Oklahoma; that I am not an attorney for or a
15 relative of any party, or otherwise interested in
16 this action.

17 Witness my hand and seal of office on this
18 the 1st day of May, 2023.

19
20
21 Elizabeth J. Campbell, CSR
22 Oklahoma CSR No. 162
23 Expires December 31, 2023
24
25

St. Matthew's University School of Veterinary Medicine

Transcript of Academic Record

P.O. Box 32330 SMB

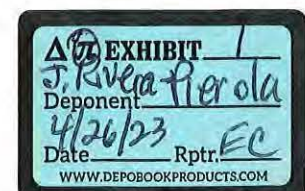
Safe Haven Leeward Three

Grand Cayman, Cayman Islands, BWI

Date of Transcript: 2019-06-19

Student Number	Name	Address	Enrollment Date	Degree
99353649	Jonathan Andrew Rivera-Pierola	732 Ibis Way North Palm Beach, FL 33408 USA	2017-01-09	
	Gender M		Graduation Date	

Course No.	Course Title	Credits	Grade
Spring 2017			
VB101	Veterinary Anatomy I	4	C-
VB103	Veterinary Histology and Embryology	5	B-
VB105	Veterinary Physiology I	5	B
VB120	Veterinary Immunology	3	C
VCS110	Professional Development I	1	A
Summer 2017			
VB201	Veterinary Anatomy II	5	C-
VB205	Veterinary Physiology II	4	B
VB207	Veterinary Parasitology	4	B-
VB211	Veterinary Bacteriology and Mycology	4	B
Fall 2017			
VB301	Veterinary Pharmacology I	3	B-
VB303	Veterinary Pathology I	3	C-
VB305	Veterinary Virology	3	C-
VB307	Veterinary Public Health/Epidemiology	4	B
VCS310	Professional Development II	0.5	B+
VCS311	Veterinary Clinical Skills I (Companion Animals)	3	C+
VCS321	Animal Welfare and Behavior	2	B-
Spring 2018			
VB401	Veterinary Pharmacology II	4	C+
VB403	Veterinary Pathology II	5	C-
VCS405	Veterinary Clinical Pathology	4	A
VCS407	Veterinary Ethics and Communication	2	B
VCS411	Veterinary Clinical Skills II (Livestock)	2	B-
Summer 2018			
VCS501	Veterinary Anesthesiology	2	C-
VCS503	Principles of Veterinary Surgery	2	C-
VCS505	Veterinary Toxicology	3	A
VCS507	Veterinary Diagnostic Imaging	4	C
VCS509	Veterinary Clinical Nutrition	3	B+
VCS511	Theriogenology	4	C+
Fall 2018			
VCS605	Food Animal Medicine & Surgery	6	B-
VCS607	Exotic Companion Animal Medicine	3	B
VCS611	Veterinary Clinical Skills III (Clinical Rotations)	2	F
VCS701	Small Animal Medicine II	6	B-
Spring 2019			
VCS601	Small Animal Medicine I	6	B-
VCS611	Veterinary Clinical Skills III (Clinical Rotations)	2	C+
Summer 2019			
VCS703	Small Animal Surgery	6	IP
VCS705	Large Animal Medicine & Surgery	7	IP
VCS710	Professional Development III	0.5	IP
Total Credits		113.5	
Overall Gpa			2.8



Board00002

Oklahoma State University Center for Veterinary Health Sciences

Evaluator:	Grade Report Administrator - FINAL GRADE REPORT	Subject:	Jonathan Rivera-Pierola - VM4C
Activity:	VCS 7743 Small Animal Internal Medicine	Site:	Oklahoma State University - CVHS
Evaluation Type:	Instructor Evaluation of Student - Final	Completion Date:	10/01/2019
Request Date:	09/28/2019		
Period:	Rotation 7 - Class of 2020	Dates of Activity:	09/09/2019 To 09/29/2019
Subject Participation Dates:	09/09/2019 To 09/29/2019		

Grading Scale:
90-100 = A
80-89.9 = B
70-79.9 = C
60-69.9 = D
<60 = F

To pass this rotation you must receive a minimum total score of 70.

(Question 1 of 10 - Mandatory)

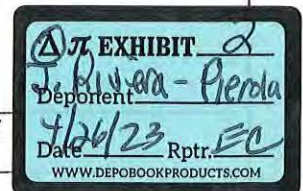
Exceeds Expectations (14 Points)	Meets Expectations (12 Points)	Below Expectations (9 Points)	Grounds for Failure (7 Points)
Communications and rapport with clients, staff, and clinicians are exceptional. Follow-up regarding patients is exceptional	Communications with clients, staff, and clinicians are accurate and timely. Follow-up regarding patients is obtained without prompting.	Communications with clients, staff, and clinicians are occasionally late and/or inaccurate. Follow-up regarding patients is late or requires prompting.	Communications with clients, staff, and clinicians are frequently late and/or inaccurate. Follow-up regarding patients is often late or not completed after prompting.
Communication Points Received:			7.5

(Question 2 of 10 - Mandatory)

Displays foundational knowledge in all areas and applies this knowledge on clinical cases. Demonstrates outside reading/research on all clinical cases to improve knowledge of disease mechanism, diagnostic testing, and treatment.	Displays foundational knowledge in most areas and applies this knowledge on clinical cases. Demonstrates outside reading/research on some clinical cases to improve knowledge of disease mechanism, diagnostic testing, and/or treatment	Limited foundational knowledge in some areas but satisfactory in others. Demonstrates outside reading/research occasionally on clinical cases to improve knowledge of disease mechanism, diagnostic testing, or treatment.	Limited foundational knowledge in most areas. Fails to demonstrate outside reading/research on clinical cases to further improve knowledge of disease mechanism, diagnostic testing, or treatment.
Knowledge & Knowledge Application Points Received:			8.5

(Question 3 of 10 - Mandatory)

Obtains and assesses diagnostic test results independently. Correctly identifies and assesses all of the patient's problems. Appropriate diagnostic and/or therapeutic plans are routinely suggested. Assessment of patients is timely and thorough.	Obtains and assesses diagnostic test results independently. Correctly identifies and assesses most of the patient's problems. Appropriate diagnostic and/or therapeutic plans are usually suggested. Assessment of patients is timely and adequate.	Obtains and/or assesses diagnostic test results with prompting. Correctly identifies and assesses some of the patient's problems, with some inaccuracies. Appropriate diagnostic and/or therapeutic plans are sometimes suggested, but commonly require modification by the clinician. Assessment of patients is occasionally incomplete or late.	Fails to obtain or assess diagnostic test results, even with prompting. Commonly fails to identify or inaccurately assesses patient's problems. Assessment of the patient is frequently late, incomplete, or not performed.
Patient Assessment Points Received:			9



(Question 4 of 10 - Mandatory)

Performs clerkship duties promptly and volunteers to assist in additional areas. General appearance is well groomed and in alignment with standards outlined in the course syllabus. Displays a courteous and professional manner that is commended by clinicians, staff, and clients. Willing to help whether or not colleagues are available.	Performs clerkship duties without prompting. General appearance is well groomed and in alignment with standards outlined in the course syllabus. Interacts with others in a tactful, courteous, and professional manner. Willing to help when colleagues are not available.	Clerkship duties are sometimes neglected and require prompting. General appearance infrequently violates the standards outlined in the course syllabus. Occasionally acts in an unprofessional or inappropriate manner. Only willing to assist others when asked.	Clerkship duties are frequently neglected and/or require multiple prompts. General appearance often violates the standards outlined in the course syllabus. Frequently acts in an unprofessional or inappropriate manner. Violation of the student code of conduct.
Professional Conduct Points Received:			9.25

(Question 5 of 10 - Mandatory)

Consistently obtains thorough and organized histories. Performs accurate, complete physical examinations. Performs select system specific assessments (e.g. rectal, neurologic, orthopedic, ophthalmologic exams, etc.) without the need for assistance.	Obtains histories and performs physical examinations with minor omissions/errors and inaccuracies. Performs select system specific assessments (e.g. rectal, neurologic, orthopedic, ophthalmologic exams, etc.) but requires some minor assistance with completion/interpretation.	Obtains histories and performs physical examinations with a moderate omissions/errors and inaccuracies. Recognizes the indications to perform select system specific assessments (e.g. rectal, neurologic, orthopedic, ophthalmologic exams, etc.) but requires substantial assistance with completion/interpretation.	Obtains histories and performs physical examinations with frequent, significant omissions/errors and inaccuracies. Fails to recognize the need for select system specific assessments (e.g. rectal, neurologic, orthopedic, ophthalmologic exams, etc.).
Professional Skillset Points Received:			8.5

(Question 6 of 10 - Mandatory)

Problem-oriented medical records are concise and summarize the patient's status accurately. Assessments are excellent. Records are always completed on time.	Student demonstrates an understanding of the problem-oriented medical approach. Records accurately identifies most problems for most patients. Assessments are appropriate for most patients. Records are completed on time.	Records follow the POVMR system but the problems identified and the assessments are frequently inaccurate. Records are late on several occasions.	Student fails to utilize the POVMR system. Problems are frequently missed and/or assessments are inaccurate most of the time. Records are frequently late.
Problem-Oriented Veterinary Medical Record System Points Received:			8.5

(Question 7 of 10 - Mandatory)

Demonstrates proficiency with all technical skills (e.g. jugular blood collection, cystocentesis, IV catheter placement) and demonstrates exceptional practical knowledge (justification, equipment needed, anatomic landmarks, etc.) of less common technical skills (e.g. centesis of abdomen, thorax, pericardium, and/or joints, bone marrow sampling, etc.)	Demonstrates proficiency with most technical skills (e.g. jugular blood collection, cystocentesis, IV catheter placement) and demonstrates foundational practical knowledge of (justification, equipment needed, anatomic landmarks, etc.) less common technical skills (e.g. centesis of abdomen, thorax, pericardium, and/or joints, bone marrow sampling, etc.)	Is often unable to perform common technical skills (e.g. jugular blood collection, cystocentesis, IV catheter placement) but can sufficient describe the process.	Is often unable to perform common technical skills (e.g. jugular blood collection, cystocentesis, IV catheter placement) and fails to sufficiently describe the process.
Technical Skillset Points Received:			11

Points awarded for completing instructor evaluations (2 Points) **(Question 8 of 10 - Mandatory)**

2

(Question 9 of 10 - Mandatory)

Total Points	64.25
Letter Grade	D

Comments: (Question 10 of 10)

Jonathan, throughout your 3-week small animal internal medicine rotation there were some significant concerns regarding communication, attention to detail, patient care, completion of medical records, accurate history taking/preparation, and professionalism. You did display adequate knowledge base for this stage of your training when discussing some topics during rounds and is deficient with discussing other topics.

You frequently did not communicate effectively with the clinician (faculty or house officer) that you were working with on a specific case. For example, when Milo was being discharged from the hospital on Saturday, September 28th at 2 pm, you did not contact Dr. Moore and specifically ask to be excused from being present at this discharge, as you had worked from 5 pm-11 pm on Friday, Sept 27th and then were called back in for an emergency and had worked from 2 am-7 am on the morning of Saturday, Sept 28th. As we discussed during our meeting, we would have been happy for you to go home and sleep on Saturday given your long day Friday and then additional time on ER Saturday morning. However, you must communicate with clinicians in the hospital so that we can plan accordingly. You left the hospital before discussing Milo's case with the clinician on the morning of Saturday and did not communicate with the clinician prior to leaving. You also did not communicate effectively with Dr. Lyon with updates on Lucy's case. He had to initiate communication with you to discuss the case. As the student on the case, you are expected to communicate with the clinician on your case to discuss updates and changes to case management.

On the third week of the rotation, there were repeated errors made on ICU treatment sheets for both of your inpatients (Milo and Lucy). These errors demonstrate concerns pertaining to attention to detail which may compromise patient care and patient safety. As stated in the syllabus, ICU treatment sheets must be completed by 7:30 AM. There were several instances when these documents were not completed by this deadline. In addition, there were several days when you were not present in ICU to discuss your inpatient (Milo) with the clinician on the case (Dr. Moore). When completing an ICU treatment sheet the dose of a medication (butorphanol) was incorrectly listed as 1 mg/kg instead of 0.2 mg/kg. This could have resulted in a 5 times overdose to the patient if it had not been detected by the ICU nurse and corrected. Medications (sildenafil and levetiracetam) prescribed to be given every 8 hours were not appropriately highlighted on the ICU treatment sheet on 9/25. This was corrected and the mistake pointed out to you by Dr. Lyon. The following day a medication prescribed for every 8 hours (sildenafil) was again incorrectly highlighted in the ICU treatment sheet on 9/26. Similar concerns were brought to our attention for another inpatient that you were caring for on the third week of the rotation (Milo). Milo's ICU sheet also consistently contained errors each day. It is critical that patients receive prescribed medications at the appropriate time and the your responsibility to ensure ICU and treatment orders are correct, complete, and on time every day. Failure to have treatment orders completed on time or containing a mistake once can easily be attributed to an oversight, mistake, or poor planning. However, repeated occurrences, particularly after these mistakes have been brought to your attention, pose a significant risk to patient care.

When seeing recheck appointments, there were multiple instances that demonstrated a lack of preparation and knowledge of the case. It is important to familiarize yourself with a case that has been evaluated at the OSU VTH previously. In one particular instance (Emma) you were not aware of the plan for a lymphoma patient that is evaluated at OSU weekly for chemotherapy treatment and/or bloodwork evaluation. Despite the plan for her appointment on Wed, Sept 25th being clear on the previous discharge, you were not aware that she had received a chemotherapy medication the week prior (mitoxantrone) and was due for a CBC one-week post chemotherapy. For another recheck appointment (PeeWee), you demonstrated a lack of preparation by not being familiar with PeeWee's medications, despite them being clearly listed on the previous discharge summary. While we can understand that occasionally you are asked to see a recheck appointment without much time for preparation (eg; switching with another student, add-on recheck appointment), there were repeated instances like these listed above that demonstrate your lack of preparation. In practice, familiarizing yourself with a case prior to the appointment is an extremely important part of patient care, client care, and case management and failure to do so may result in inappropriate or unnecessary diagnostics, treatments, and/or recommendations.

Overall, your communication skills, history taking, case preparation, patient care, and professionalism were below average. We are recommending that you repeat the small animal internal medicine clinical rotation, as we feel this the best for your education and clinical experience.

Below we have outlined specific areas of improvement that should be met in order to pass the small animal internal medicine clinical rotation.

1. Communication – you must effectively communicate with the clinician on all inpatient cases twice daily and outpatient cases once daily (at minimum). These communications should pertain to the diagnostic test results, plans to communicate with the owner of the pet, and/or case management.
2. Patient care – Inpatient cases in ICU should have an ICU treatment sheet completed no later than 7:30 am. These treatment sheets must be accurate. Please make sure you double check medication dosages and highlighting for medication frequency. In addition, you must perform a full physical examination on your patient twice daily (prior to 7:30 am and ~5-6 pm) and these PE findings should be communicated with the clinician on your case.
3. Case Preparation and history taking – Prior to seeing both new and recheck appointments, you should plan to read over previous discharge summaries and any referral veterinarian case information prior to taking a history from the client. Your case preparation will be assessed by the clinician that is seeing each individual case with you. For recheck appointments, you should demonstrate knowledge of their previous history (including previous diagnosis/diagnoses), current medications, and diagnostic plan for the recheck appointment.

We are confident that you will achieve these goals. Jonathan, you have the knowledge and skills to pass small animal internal medicine and be a good veterinarian. We are hopeful that you will take these constructive comments and areas of improvement as ways to continue to develop as a future veterinarian. Please let us know if you have any questions regarding your evaluation. ---

CONFIDENTIAL

October 3, 2019

Dear Jonathan,

The CVM Professional Standards Committee received notice of your D grade in the Small Animal Internal Medicine rotation. The committee voted to allow you to repeat the rotation. Per the department head's office, this will occur on Rotation 5 (6/29/20-7/12/20).

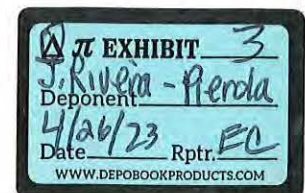
Receiving a D grade places you on academic probation. Per academic policy, receiving a second "D" grade, or an "F" grade, during the remaining clinical year may result in any of the following: dismissal, remediation before being allowed to continue in the curriculum, or scheduling remediation of the failed rotation and continuing in clinical rotations. Please let me know if you have any questions regarding the academic policy. It can also be accessed in the college Student Handbook.

As this was your first rotation, I urge you to reflect on the recommendations made by your instructors and advisor to help ensure success in future rotations.

Sincerely,



Margi Gilmour, DVM, DACVO
Associate Dean for Academic Affairs



Board00089

Oklahoma State University Center for Veterinary Health Sciences

Evaluator:	Grade Report Administrator - FINAL GRADE REPORT	Subject:	Jonathan Rivera-Pierola - VM4C
Activity:	VCS 7733 Community Practice	Site:	Oklahoma State University - CVHS
Evaluation Type:	Instructor Evaluation of Student - Final	Completion Date:	03/05/2020
Request Date:	02/28/2020		
Period:	Rotation 14 - Class of 2020	Dates of Activity:	02/10/2020 To 03/01/2020
Subject Participation Dates:	02/10/2020 To 03/01/2020		

Grading Scale
90-100 = A
80-89 = B
70-79 = C
60-69 = D
<60 = F

(Question 1 of 5)

Subjective Evaluation – 40 points

Wellness appointments 20 points	13.5
Non-wellness appointments 20 points	12
Subjective Subtotal	25.5

(Question 2 of 5)

Pre-Quiz & Technical Skills, & End of Rotation Quiz – 40 points

Pre-Quiz 10 points	7.4
Technical Skills 10 points	5.66667
End of Rotation - Quiz 20 points	17.5
Pre-Quiz Subtotal	30.567

(Question 3 of 5)

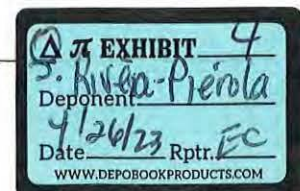
Professionalism/Work Ethic – 20 points

Professionalism/Work Ethic 20 points	12.25
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(Question 4 of 5)

Total Points	68.317
Letter Grade	D

Comments: *(Question 5 of 5)*



Board00084

Jonathan-

As we have discussed, I believe it is in your best interest to repeat the CP rotation. I have based this decision on the syllabus and the described entrustable activities that are a basic expectation for all CP students. It is my opinion that many areas of your performance need improvement. I will use the following examples to highlight my concerns. These examples, some big, some small, concern me deeply.

I know that you can become a competent, if not great, veterinarian; I simply think you need more coaching. When we discussed these issues and my opinions in weeks 2 and 3, I found that you were unwilling to take on the role of a learner. In fact, I believe you are overconfident in your abilities/knowledgebase which makes this situation even more critical. If you are not willing to learn, to be open to a real coaching experience meant to mold you into a good veterinarian, what type of a practitioner will you become?

Examples:

- Daphne 193360- As we have discussed many times regarding the mishandling of this case is concerning. Your interpretation of Daphne's laboratory values was not accurate as you overlooked abnormal findings (liver enzymes, proteinuria). You neglected to contact your supervising veterinarian about the bloodwork and then called the owner with recommendations without discussion. In addition, I was the one responsible to find you to discuss the lab work and your inappropriate interpretation; you chose to not communicate with me via any method – call, text, email. When confronted, you stated that you did not know that you could contact me, which I find confusing since my contact information is on the rounds room board and on the syllabus. Finally, your discharge instructions were inappropriate and significant findings were not mentioned or explained. In all, your actions were consistent with practicing veterinary medicine without a license and I find your reactions unacceptable.

- Maggie 193329- When asked prior to performing a surgical procedure it is expected that students discuss their level of confidence with an instructor. As we have discussed, you said that you were very confident performing a spay surgery. Unfortunately, your performance did not reflect your confidence. I do not grade students on their surgical abilities – you are learning and I expect nerves and skills that are not developed. But, I expect students be honest about their skill set. Overconfidence can become a life threatening issue for patients.

- Ember 190686 – When discussing your physical examination, you mentioned tartar on the dog's teeth; when I did an oral exam, I found severe periodontal disease with gingivitis, gingival recession, and severe tartar/purulent material. By the end of the CP rotation students should be adept at completing a physical examination and explaining findings; I think that you understated the dog's disease and this is an issue.

Therefore, I am not passing you because I believe you are unable to successfully:

- Effectively communicate information to the supervising doctor
- Perform a physical and accurately identify abnormalities and communicate these to the client and supervising doctor
- Develop and Implement a Treatment Plan for a Sick Patient
- Develop a diagnostic plan and interpret these timely and accurately.
- Effectively communicate vital information about the case to stakeholders including but not limited to clients, students, nurses, staff members and faculty.
- Effectively communicate vital information, including but not limited to diagnostics and case follow up, to clients and team members.
- Demonstrate Professional / Ethical Behavior and Work Ethic.

LAS ---

More than one occasion where this student was not telling the truth regarding what he had or had not done concerning patient care. ---

4 March 2020

Jon-

I believe it is in your best interest to repeat the CP rotation. I have based this decision on the syllabus and the described entrustable activities that are a basic expectation for all CP students. It is my opinion that many areas of your performance need improvement. I will use the following examples to highlight my concerns; understand these are individual examples to highlight my concerns.

• Feb 25: Augustus Nahs (#192579) – During discharge you instructed the owner that the kitten needed one more set of vaccinations. As we discussed that day, I am concerned that you do not understand the principles of vaccinations and how to apply them to a kitten. This was especially concerning since this was the third week of the rotation and you have seen five wellness cases over this period of time. You were provided the AAFP vaccination guidelines and we have an hour and a half round session on this material. You even performed this kitten's wellness appointment on Feb 11th and had the plan written in the discharge instructions.

• Feb 25th: Cash Waters (#179126) – During the case discussion I asked you a direct question about what four antibiotics are appropriate for pyoderma in the dog. After some time you could only provide a single antibiotic, Clavamox. When asked the same question during our meeting the next day, you still had an insufficient answer. Once again we have had an hour long rounds session on this topic where I provided the answer and we see and treat pyoderma cases nearly every day on clinics. Over the three weeks you managed three dermatology appointments.

While you performed acceptably on other appointments during the rotation, these specific examples are the greatest influence on assigning a failing grade. Wellness and dermatology are the two most common appointment types I expect a primary care veterinarian to be able to successfully manage. Overall you saw nine cases with me in three weeks; five wellness, three dermatologic, and 2 others. Seeking feedback from Dr Irizarry she brought up an example of failed trust as well.

• Papa Alexander (#185382) – Failed to make sure the client stopped at the front desk to have a deposit collected. Suspected of lying about handing the receptionist the estimate sheet as instructed. Additionally, the next morning the expected 7am evaluation had not been performed by 730 and when asked Jon told Dr Irizarry everything was done. She discovered the TPR had not been performed and confronted him on this lack of evaluation and worse, lack of honesty.

Finally your response to our feedback and attempts to illustrate to you our concerns is an issue. We discussed these issues at length for at least 30 minutes. At no time did you appear to listen and accept what we were saying, instead became defensive and argumentative. While I understand the upsetting nature of the topic and the fear of consequences, this was an unexpected response to what I considered a very good relationship we had developed over the weeks. I hope you believe that we sincerely want to see you succeed and wish to coach you to success.

Paul DeMars, DVM, DABVP K9/Fe
Community Practice
Oklahoma State College of Veterinary Medicine



COLLEGE OF
VETERINARY MEDICINE

Office of the Dean
205 McElroy Hall
Stillwater, Oklahoma 74078

Phone: (405) 744-6648
Fax: (405) 744-6633

March 23, 2020

Dear Jonathan,

The Professional Standards Committee, after meeting and deliberating on March 18th, recommended dismissal from the CVM professional program. This unanimous decision was based on repeated poor academic performance, lack of accountability for clinical errors in multiple rotations, recurrent unprofessional behavior, and inability to take constructive criticism to improve professional and clinical skills. The Committee did not find mitigating circumstances sufficient to explain the concerns above.

The Committee's recommendation for dismissal has been accepted by the Dean. Per CVM policy, you may file a written appeal to the Dean within five working days of receipt of this letter.

Dr. Emsley can assist you with placement options for the remaining portion of your clinical year requirements.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Margi Gilmour'.

Margi Gilmour, DVM, DACVO
Associate Dean for Academic Affairs



Board00090

To: Dr. Carlos Risco, DVM, DACT
Dean of the College of Veterinary Medicine of Oklahoma State University

To: The Members of the Professions Standard Committee

Re: Dismissal from the College of Veterinary Medicine Program at Oklahoma State University

I am writing to appeal my academic dismissal from the CVM Program at OSU. Thank you for allowing me to have the opportunity to explain the circumstances that led to this point, as well as my action plan to improve on my performance in the program.

I met with the Professions Standard Committee on March 18, 2020 and I was unable to fully express the circumstances that led to my failed rotations. I got caught up in answering questions and found myself out of time to disclose the background situations that may have affected my performance and which situations I believe are relevant to the decision now being appealed. Also, as we are currently living through the COVID 19 pandemic, the anxiety of the meeting was increased and the distraction of current events did not permit a full discussion of my continued participation in the CVM Program.

I did not ignore the suggestions given to me on the evaluations. I took them seriously and attempted to implement them as best as I could. In retrospect, I failed to portray this clearly so that my professors could see the work I put into the recommended changes. I was perhaps too quiet, giving a misconception of who I am and what I stand for and the seriousness with which I took the suggestions and my continued and strong desire to continue at OSU.

During my Internal Medicine rotation, my father had a syncopal episode leading to a motor vehicle accident. He was rushed to the hospital and found to have a chest contusion, rib and sternal fractures and was admitted to the cardiac critical care unit. He was being evaluated for possible emergent cardiac surgery and stayed in the CCU for several days. This kept me anxious and distracted during my rotation. In retrospect, I now see that I should have communicated this to my professors or even taken a leave of absence rather than continue in the rotation.

On my Community Practice rotation, I got caught up in miscommunications leading to ambiguities and misunderstandings. This caused me to become stressed with fear of getting involved in another misunderstanding that may lead to my failure of the rotation. I truly internalized the constructive criticism and attempted to correct various issues on my own. In retrospect, I should have increased my communication with my professors and asked for assistance when needed.

I am receiving counseling with an OSU psychologist, Mr. Jeremiah Grissett, as recommended by the Dean of CVM. He is helping me see my role in these situations and providing me with good advice.



I truly have learned and appreciate all the clinicians' feedback through my rotations. I plan to utilize every piece of constructive criticism that I have received in the following manner:

1. Communication: I will make sure to communicate with the clinicians/residents/technicians involved in each case to ensure proper feedback on my performance and direction on results and areas of improvement. Specifically, I will ask for feedback from my clinicians at the beginning and end of each week so I could be in constant communication and agreement with them. And, I will ask for clarification if I am unclear on any instructions or assignments.
2. Case Preparation: I will improve on the preparation of cases. I will be more thorough in taking and documenting the history and physical exam. I will bring the documentation to my feedback sessions to go over with the clinicians in detail.
3. Patient care- I will arrive earlier than requested in the syllabus to ensure my review of patient's vital signs, medication sheets and to be sure that overnight notes have been double checked prior to rounds.
4. Demonstrate proper professional ethical behavior by working with my professors more frequently in a verbal and transparent way to avoid miscommunications.

Although I have not passed the Internal Medicine and Community Practice rotations, evaluations in both of these courses stated I have the potential to become a good veterinarian.

For example, from Internal Medicine:

"We are confident that you will achieve these goals. Jonathan, you have the knowledge and skills to pass small animal internal medicine and be a good veterinarian. We are hopeful that you will take these constructive comments and areas of improvement as ways to continue to develop as a future veterinarian. being capable of becoming a good clinician."

After evaluation of above mentioned and taking into consideration the changes I am willing to make now and in the next rotations, I am asking for reconsideration of the decision made on March 18, 2020. Becoming a veterinarian is of paramount importance to me. I am asking for the opportunity to be reinstated to the CVM Program at OSU and to demonstrate my willingness to do all that is necessary to become a competent veterinarian of whom this Program can be proud.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jonathan Rivera-Pierola', with a stylized flourish at the end.

Jonathan Rivera-Pierola, MPH



COLLEGE OF
VETERINARY MEDICINE

Office of the Dean
205 McElroy Hall
Stillwater, Oklahoma 74078
Phone: (405) 744-6648
Fax: (405) 744-6633

April 6, 2020

Dear Jonathan,

The Professional Standards Committee (PSC) met on April 3rd to consider your appeal. The Committee's decision was to stand by their recommendation of dismissal. However, the Dean's final decision is to allow you to stay in the professional program under Academic Suspension, the details of which are:

1. You will complete the current rotation (Rotation 16) and must achieve a C grade or higher. Failure to do so will result in dismissal from the program with no PSC review or appeal.
2. You will be placed on Academic Suspension until both failed rotations (Community Practice and Small Animal Internal Medicine) are remediated through participation in in-person rotations. Due to the COVID-19 crisis and current use of on-line curriculum, you will be suspended from clinical rotations until the hospital reopens to students and in-person rotations resume. Lucy Kershaw will work to schedule your rotations as soon as possible, but understand the date this can be done is currently unknown.
3. You must receive a C grade or higher in both remediated rotations. Failure to do so will result in dismissal from the program with no PSC review or appeal.
4. You will be on Academic Probation for the duration of your clinical year. Failure to receive a C grade or higher on any rotation during the remaining clinical year will result in dismissal from the program with no PSC review or appeal.
5. You will be held accountable to the four items in your plan of improvement listed in your letter of appeal: communication, case preparation, patient care, and professional and ethical behavior.

Lucy Kershaw will be in contact with you as soon as we know when the hospital will return to normal operations. Please be sure to update her with any change of your contact information. If you choose not to accept the above conditions of Academic Suspension and Academic Probation, please let me know at your earliest convenience.

Sincerely,

Margi Gilmour
Margi Gilmour, DVM, DACVO
Associate Dean for Academic Affairs



Board00094



Board00086

Anesthesia - Rotation 16 (3/23/2020 to 4/12/2020)

Grading Scale: 90-100 = A; 80-89.9 = B; 70-79.9 = C; 60-69.9 = D; <60 = F

At least 70% must be achieved in each of the two sections in order to pass the rotation.

Section 1	John Rivera
General Knowledge (200 points)	140
Case work-up and presentation (100 points)	80
Assignments and topics (100 points)	85
Professional conduct (100 points)	90
Total Points Possible (500 points)	395
Percent Section 1	79%
Section 2	
Written exam points possible (150 points)	99.6
Percent Section 2	66.40%
Combined Section 1 & 2 Percent	
Letter Grade	D



COLLEGE OF
VETERINARY MEDICINE

Office of the Dean
205 McElroy Hall
Stillwater, Oklahoma 74078

Phone: (405) 744-6648
Fax: (405) 744-6633

April 21, 2020

Dear Jonathan,

I am very sorry to inform you that due to receiving a D grade in the Anesthesia rotation (rotation 16), per the Academic Suspension guidelines outlined in the letter dated 4-6-20, you are dismissed from the OSU CVM clinical year program with no Professional Standards Committee review or appeal.

The Dean has reviewed your academic record and has approved the dismissal action.

It is with deep regret we relay this decision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margi Gilmour".

Margi Gilmour, DVM, DACVO
Associate Dean for Academic Affairs



Board00095

From: Jonathan Rivera-pierola <jonariv@okstateemail.okstate.edu>

Sent: Friday, April 10, 2020 5:55 PM CDT

To: Di Concetto, Stefano <sdiconc@okstate.edu>

CC: [REDACTED]
[REDACTED]
[REDACTED]

Rivera-Pierola, Jonathan <jonariv@okstate.edu>; Burba, Daniel <dburba@okstate.edu>; Gilmour, Margi <margi.gilmour@okstate.edu>

Subject: Re: EARLY TERMINATION OF ANESTHESIA ROTATION

These are very stressful times, and the school has really done us a service to offer this class virtually. They are really doing their part to keep us safe from this virus and we should honor and appreciate them for doing it. I know that this virus is touching our lives in very personal ways, but we should take this opportunity to learn to be more patient and understanding and try to put ourselves in others shoes before speaking. I know that every person in this class is grateful to Dr. Di and the school for this opportunity and I'm sure that nothing that was said was with ill will. As Americans, we have never been placed in a situation where we feel such impotence. This sometimes makes us react to the situation without elegance. I am confident that through this discussion we can find the opportunity to see our parts in this situation and correct them for the future. Life is about learning, and sometimes learning through our mistakes to make us better people. We appreciate you and all your efforts!

Regards,

Jonathan Rivera-Pierola, MPH

On Apr 10, 2020, at 2:17 PM, Di Concetto, Stefano <sdiconc@okstate.edu> wrote:

Hello students in anesthesia rotation 16,

As you know this has been a very trying time for everyone; we understand this is not how you expected to spend your anesthesia rotation. In addition, it was also not our expectation to run a service without any students. As professionals, though, it is an expectation that our student colleagues demonstrate patience, understanding and positive attitudes.

Unfortunately, I am disappointed with the negative attitude and comments that have been displayed by this rotation group. Unbeknownst to you, a comment was overheard on Wednesday 4/8 by faculty and staff that was completely unacceptable. The comment: "Thank God we have only two more days of this s****" is unprofessional- it should have been met with stronger push back from participating students.

Additionally, if you were in the clinics, you would be expected to be available from 7a-5p and be on-call; as such, it is an expectation that you are available for rounds/case discussions/etc. from 7a-5p. Given the situation we are experiencing with Covid, I have not objected to you taking time away from your computer to take a break from learning and disperse in between morning and afternoon rounds, to run errands or else. Perhaps I should have been clearer from the beginning. Your job was to be engaged full time in this rotation, which at times means overworking. Spending longer than expected periods of time on the computer during this virtual rotations is equivalent to being here all day doing one case after the other, without time to eat or take a break. Many students in previous rotation had to do so.

I have been working tirelessly to provide you with as much 'in the moment' learning as possible; this is not an easy task. I would have appreciated a more collegial response from students who are about to join this profession in a few weeks. I am disheartened that you are not working tirelessly as we are in the hospital to get the most out of this rotation together. I appreciate the students who have not complained and who have put in the time and effort to make this experience worthwhile.

As clinic expectations grow and my physical and mental resources are overstretched, I believe it will be in our best interest to terminate the anesthesia rotation at this time, 2.15 pm, Friday April 10th, 2020. Today's afternoon rounds are cancelled.

Your grades will be posted sometime next week.

Best,

Stefano Di Concetto



Oklahoma State University Policy and Procedures

ACADEMIC INTEGRITY	2-0822 Academic Affairs May 2016
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POLICY

1.01 An institution's reputation and intellectual freedom depend on its uncompromising commitment to the ideal of academic integrity. OSU is committed to instilling and upholding integrity as a core value. This policy embodies OSU's dedication to maintaining an honest academic environment and ensures fair resolution of alleged violations of academic integrity.

1.02 The following statement summarizes OSU's Commitment to Academic Integrity:

I will respect OSU's commitment to academic integrity and uphold the values of honesty and responsibility that preserve our academic community.

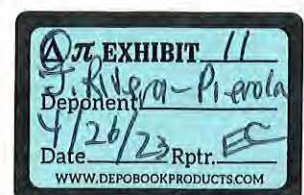
1.03 All members of the OSU community are entrusted with academic integrity, which encompasses the fundamental values of honesty, trust, respect, fairness, and responsibility. Therefore, students, instructors and members of the Academic Integrity Panel are expected to demonstrate academic integrity through the following actions.

A. Students are expected to:

1. Understand and uphold the academic integrity guidelines established by the University and the instructor.
2. Present their own work for evaluation by their instructors.
3. Cite appropriately the words and ideas of others.
4. Protect their work from misuse.
5. Accept responsibility for their own actions.
6. Treat instructors and members of the Academic Integrity Panel with respect when violations of academic integrity are examined or appealed.
7. Trust instructors and members of the Academic Integrity Panel to enforce the academic integrity policy and procedures.

B. Instructors are expected to:

1. Understand and uphold this academic integrity policy and procedures. Standards set by instructors in their classes should be consistent with the guidelines provided within this policy.



2. Discuss and communicate information about academic integrity to students.
 3. Reduce opportunities for dishonesty through vigilant exam security and proctoring, and give clear instructions for homework and projects.
 4. Evaluate students fairly and consistently and award credit based on professionally judged academic performance established by the instructor.
 5. Trust students to follow the academic integrity policy until the instructor has sufficient information to substantiate a violation, then confront students with information about the alleged violation, follow the procedures, and report violations.
 6. Evaluate fairly the information that may indicate a student has violated academic integrity.
 7. Assure that teaching assistants or adjunct instructors who work under their direction understand and uphold academic integrity policy and procedures.
 8. Treat students and members of the Academic Integrity Panel with respect when violations of academic integrity are examined or appealed.
 9. Trust members of the Academic Integrity Panel to enforce the academic integrity policy and procedures when violations are appealed.
- C. Members of the Academic Integrity Panel are expected to:
1. Accept responsibility for upholding the academic integrity policy and procedures for the University.
 2. Uphold instructors' standards for academic integrity that were clearly communicated to students, consistently enforced, and compatible with the University academic integrity policy, procedure, and guidelines.
 3. Evaluate information that may indicate a student has violated academic integrity.
 4. Treat students and instructors with respect when violations of academic integrity are examined or appealed.
 5. Participate in appropriate training.

Academic Integrity Facilitators are instructors, advisors, or academic administrators who are trained in academic integrity policy and procedures.

1.04 Behaviors that violate the fundamental values of academic integrity may include but are not limited to:

- A. Unauthorized collaboration
- B. Plagiarism
- C. Multiple submissions
- D. Cheating on examinations (including prerequisite examinations)
- E. Fabricating information
- F. Helping another person cheat
- G. Unauthorized advance access to examinations
- H. Altering or destroying the work of others
- I. Altering academic records

These behaviors may subject the student to disciplinary action including receiving a failing grade on assignment, examination or course, receiving a notation of a violation of academic integrity on the transcript, or suspension from the University. Serious violations discovered after a student graduates may lead to revocation of a degree. These behaviors are described in detail in the Academic Integrity Guidelines.

PROCEDURES

2.01 The instructor (e.g., instructor of record, teaching assistant, member of a graduate student committee, professional education program, or veterinary house officer) discovers sufficient information to substantiate an alleged violation of academic integrity. The information should support a determination that it is “more likely than not” that a violation of academic integrity occurred.

2.02 Within five school days of discovering an alleged violation, but no more than 30 calendar days after the submission due date, the instructor prepares an Academic Integrity Inquiry Form (including a list of possible Academic Integrity Facilitators) and gives or emails the form to the student’s University email address. A school day is defined as a regular class day during the fall or spring semester (if the student is enrolled in a class during summer school or intersession, a school day includes regular class days during the same summer or intersession term).

Once an instructor has identified an alleged violation of academic integrity, the student may not drop the course. Students who drop the course will be re-enrolled by the Registrar.

Note: In the event an incident is not resolved at the time grade reports are due to the Registrar (e.g., an alleged violation is discovered during the final examination period), an incomplete grade will be assigned until the allegation is resolved.

2.03 The student contacts the instructor within five school days of receiving Form A to schedule a resolution meeting. Pre-finals and finals weeks do not count as school days for this purpose, though if all parties agree, a resolution meeting may be held during these weeks.

2.04 The instructor recommends an academic sanction for alleged violations of academic integrity. For undergraduate, graduate and professional students, the instructor should recommend the appropriate sanction of an admonition or level of either one, two, or three for alleged violations of academic integrity. The following maximum sanctions are:

A. Admonition—essentially a warning by the instructor of record of a course, and not considered a grievance. The sanction for an admonition will be a grade reduction that does not exceed the value of the assignment in question. An admonition may be assessed for violations including but not limited to the following:

1. Plagiarism/copying of work done for a course, if the plagiarized/copied material makes up less than 10% of the assignment, or deemed a minor violation by the instructor of record (first offense only).
2. Unauthorized collaboration on homework assignments making up less than 10% of the assignment, or deemed a minor violation by the instructor of record (first offense only).

A first offense is not automatically treated as an admonition. If an admonition is assessed, the warning and sanction will be reported to the Academic Integrity Office. Ordinarily, an admonition may only be assessed once and adjudication of additional academic integrity violations will take into account the admonition. The resolution of additional academic integrity violations may be adversely impacted by the earlier assessment of an admonition.

B. Level one sanction—a grade of "zero" or "F" for the assignment or examination for violations including but not limited to the following:

1. Copying or paraphrasing a few sentences of material (1-5 sentences or a minor portion) from a written or Internet source without proper citation.
2. Cheating on a quiz or minor assignment. Minor is defined as 10% or less of the total points for the course.
3. Receiving unauthorized help on an assignment.
4. Working on an assignment with others when the instructor asked for individual work. Turning in work that is identical or very similar to others' work. Excessively relying upon and using the ideas and work of others in a group effort.
5. Using a false excuse to obtain an extension on a due date.
6. Signing an attendance roster for someone who is absent or asking someone else to sign the roster to avoid being counted absent.

7. Failing to observe the rules governing the conduct of examinations (for example, continuing to work on an examination after time is called at the end of an examination).

In addition to assigning a Level One sanction, an instructor can assign the academic integrity education program to a student. After the sanction becomes final, a registration hold will be placed on the student's account. Sanctions become final if the student does not appeal within five school days of receiving official notification from the Academic Integrity Coordinator or an Academic Integrity Panel Hearing. The registration hold will be removed once the student successfully completes the academic integrity education program. The student shall contact the Office of Academic Affairs to schedule a time to complete the academic integrity education program.

- C. Level two sanction—a grade of “F!” for the course. An F! is a grade signifying the student failed the course because of an academic integrity violation. Level two violations include but are not limited to the following:
 1. Turning in a paper copied from another student.
 2. Turning in a paper obtained in full or in part from a term paper “mill” or website.
 3. Copying material almost word for word from a written source and turning it in as one's own work.
 4. Fabricating or falsifying a bibliography.
 5. Getting questions or answers from someone who has taken an examination.
 6. Obtaining an unauthorized copy of an examination in advance.
 7. Using unauthorized notes during an examination.
 8. Having another student take an examination.
 9. Inappropriate use of technology (camera phones, text messaging, programmable calculator, etc.) during an examination.
 10. Copying from another student during an examination with or without his/her knowledge.
 11. Helping someone else cheat on an examination.
 12. Stealing an examination or problem answer from the instructor.
 13. Having unauthorized access to solutions and/or instructors or solutions manual for a course.

14. Altering a grade or scoring on an examination or paper to obtain unearned credit.
 15. In a course requiring computer work, copying another student's program rather than writing one's own.
 16. Fabricating or falsifying laboratory or research data.
 17. Inappropriately sharing or using work on an online assignment or examination.
 18. Turning in work done by someone else.
 19. Submitting substantial portions of the same assignment to more than one class without permission of the instructors.
 20. Altering course withdrawal slips and similar academic documents. This includes forging an instructor or adviser signature.
- D. Level three sanction—recommend a transcript notation of “Administrative Withdrawal for Academic Integrity Violation”; and dismissal from the graduate or professional program and dismissal from the University. This transcript notation is permanent and is intended to be used primarily for violations that are not related to a specific course. Level three violations include but are not limited to the following:
1. Plagiarism or other violations of academic integrity in a thesis or dissertation proposal, qualifying examination, comprehensive examination, thesis or dissertation, report or creative component, thesis or dissertation defense, or professional education portfolio, professional presentations, or publications.
 2. Fabrication or falsification of research or laboratory data used in a creative component, report, thesis or dissertation, presentation, or publication.
 3. Altering academic records such as transcripts, falsification of applications for admission or cheating on required prerequisite exams.

At the undergraduate level, suspension from the University may be recommended for cheating on required prerequisite exams or altering academic records.

The academic integrity violation, such as receipt of a failing grade, may result in additional consequences, including program or aid ineligibility, program dismissal, visa status issues, etc.

2.05 The student, instructor, and Academic Integrity Facilitator meet to discuss the alleged violation and sign the Academic Integrity Resolution Form. The following actions may result from this meeting:

- A. The instructor and student agree that no violation of academic integrity occurred. No further action is needed.

- B. The student admits responsibility for a violation and accepts the instructor's recommended sanction. A copy of the signed form is given to the student, the instructor retains a copy, and copies are sent to the instructor's department head and the Office of Academic Affairs.
- C. The student admits responsibility but does not agree with the sanction. The instructor recommends a sanction and the case is referred to the Academic Integrity Panel. To initiate an appeal the student must submit documentation to the panel within five school days after receiving official notification from the Academic Integrity Coordinator (see procedures for appeal).
- D. The student denies responsibility for the alleged violation and does not agree with the sanction. The instructor recommends a sanction and the case is referred to the Academic Integrity Panel. To initiate an appeal the student must submit documentation to the Panel within five school days after completion of the Academic Integrity Resolution Form (see procedures for appeal).
- E. The student fails to appear for the resolution meeting. The instructor and facilitator discuss the alleged violation, the instructor recommends a sanction, and they sign the Academic Integrity Resolution Form. A copy of the form is emailed to the student's University email address, the instructor retains a copy, and a copy is sent to Office of Academic Affairs.

The assigned sanction becomes final if the student does not submit documentation to the Academic Integrity Coordinator by the five school-day deadline.

In any case where it is determined that an academic integrity violation has occurred, the student's advisor will be notified by the Office of Academic Affairs.

2.06 The instructor or Academic Integrity Panel may permit a student to drop a course with a grade of "W" if the allegation is dismissed or if the student admits responsibility for a level one sanction, however, the student must meet the deadline to drop the course or withdraw from the University. A student may not drop a course in which the "F!" grade was assigned.

2.07 Certain violations (e.g., theft of an examination) may also violate the Student Code of Conduct. Instructors should contact the Student Conduct Office to report such violations.

2.08 Students may remove the first "!" from their transcript by completing an academic integrity education program. The "!" will remain on the transcript for a minimum of one semester.

2.09 Students who are accused of a second alleged violation of academic integrity in the same course in the same semester may have the second violation increased to an F! for the course, even if both incidents were Level One violations. Students who are accused of a second alleged violation of academic integrity resulting in a second F! will be referred to the Academic Integrity Panel.

2.10 Undergraduate students who are found responsible for multiple academic integrity violations could be suspended from the University. If a student is found responsible for a violation resulting in suspension during the spring semester (even if the violation occurred during the previous fall or winter intercession semester), they will be suspended for the subsequent summer and fall semesters. If a student is found responsible for a violation during the fall semester (even if the violation occurred during the previous spring or summer semester), they will be suspended the subsequent spring and summer semesters. Examples of circumstances that could result in suspension include, but are not limited to:

- A. Two or more level two violations.
- B. A level two violation followed by a level one violation.
- C. Three or more violations (level one and/or level two).
- D. In rare circumstances, the Academic Integrity Panel may consider a different sanction if two violations occur at or about the same time.

2.11 If clear and convincing evidence of a serious violation of academic integrity is discovered (including but not limited to the violations listed under level three sanctions in 2.05.c.) after a student graduates, revocation of the degree may be recommended by following the Degree Revocation Procedures.

2.12 Academic integrity violations and student conduct violations are entered into the University's student conduct database and become a part of the student's educational records. Employers, licensing boards, graduate, professional schools, state and federal agencies, and others may request a copy of these educational records. With the student's consent, OSU will release student education records, which are available at the time of the request.

No record of admonitions will be noted on the student's transcript. Admonitions are reported to the Academic Integrity Office and will be taken into account if other academic integrity violations are reported. No record of Level One violations will be noted on the student's academic transcript, but will appear in the student's educational record. Level Two violations will result in an F! on the transcript. Students may remove the first "!" from their transcript (see section 2.08) but the violation will remain a part of their educational record.

PROCEDURES FOR APPEALS OF ALLEGED ACADEMIC INTEGRITY VIOLATIONS

3.01 If the student appeals the alleged violation of academic integrity the student and instructor will meet with the Academic Integrity Panel.

3.02 The student will use the following procedures to file an appeal:

- A. The student obtains and completes an appeal form that is available online or from the Office of Academic Affairs. The student should submit documentation to support his or her appeal.

- B. The student submits the appeal form to the Academic Integrity Coordinator within five school days after the official email is sent from the Academic Integrity office to the student's University email address. For alleged violations which occur at the end of the semester, the five day appeal period will roll over into the next regular (fall or spring) semester. The Coordinator, who can be contacted in the Office of Academic Affairs, gives the student notice of receipt of the appeal, notifies the instructor of the course, assists the instructor and student in understanding the appeals process, assembles the supporting documents, and transmits the case to the Academic Integrity Panel.

3.03 The instructor submits the necessary forms, sufficient information to substantiate the alleged violation of academic integrity, and the recommended sanction. The instructor must return the evidence and make themselves and any graduate assistants/teaching assistants available for a hearing within 20 school days after the student returns the appeal form or the case will be dismissed.

3.04 The student and instructor have the right to appear in a hearing before an Academic Integrity Hearing Panel. (Refer to the Academic Integrity Guidelines for a complete list of the rights in the Academic Integrity procedures.)

3.05 The Academic Integrity Panel determines if A) the student committed an act that violates academic integrity and B) the sanction is appropriate. The Panel will make one of the following decisions:

- A. The student is found not responsible for a violation of academic integrity. The Academic Integrity Coordinator shall remove the sanction and the instructor shall assign an appropriate grade. The instructor or Academic Integrity Panel may permit a student to drop a course with a grade of "W."
- B. The student is found responsible for a violation and the sanction is appropriate. The instructor or Academic Integrity Panel may permit a student to drop a course with a grade of "W" if the student admits responsibility for a level one sanction. A student may not drop a course in which the "F" grade was assigned.
- C. The student is found responsible for a violation but the sanction is not appropriate. The panel may uphold, increase, or decrease the sanction.

3.06 If the student is found responsible for a violation of academic integrity, the Academic Integrity Panel may also assign an academic integrity education sanction which requires the student to complete the academic integrity education program. A registration hold will be placed on the student's account within five school days of the Academic Integrity Hearing Panel if the student does not appeal. The registration hold will be removed once the student successfully completes the academic integrity education program. The student shall contact the Office of Academic Affairs to schedule a time to complete the academic integrity education program.

3.07 After each decision, Academic Integrity Coordinator sends a Hearing Report to the student, instructor, advisor, instructor's department, student's dean and the Registrar (if needed).

3.08 The student may submit a written request for a final appeal before the Appeals Panel. The student must submit an appeal within five school days after the Hearing Report if academic integrity procedures were not followed. If new information becomes available after the hearing that could substantially affect the outcome, the student may submit an appeal within one year. The Appeals Panel will determine if the final appeal will be considered.

3.09 The student will use the following procedures in filing a final appeal:

- A. The student obtains and completes a final appeal form that is available online or from the Office of Academic Affairs. The burden of proof rests upon the student to establish his/her case with a preponderance of information.
- B. The appellant submits the final appeal form to the Academic Integrity Coordinator by the date specified on the email sent to the student's University email address. The Coordinator, who can be contacted in the Office of Academic Affairs, gives the appellant notice of receipt of the appeal, notifies the instructor, assembles the supporting documents, and transmits the case to the Appeals Panel.

3.10 The Appeals Panel reviews written materials and determines if the academic integrity procedure was followed or if the new information warrants another hearing in front of the Academic Integrity Panel. The Appeals Panel may take any of the following actions:

- A. The academic integrity procedure was not followed. The Appeals Panel may remand the case to the Academic Integrity Panel.
- B. Academic integrity procedure was followed. The Appeals Panel upholds the decision of the Academic Integrity Panel.
- C. New information does not warrant a new hearing. The Appeals Panel upholds the decision of the Academic Integrity Panel.
- D. New information warrants another hearing in front of the Academic Integrity Panel.

3.11 The Academic Integrity Coordinator notifies the student and the instructor of the Appeals Panel decision.

3.12 The decision of the Appeals Panel is final except when revocation of a degree is recommended by the Academic Integrity Panel. Revocation of a degree requires approval of the Provost, OSU-Stillwater President, A&M Board of Regents, and Oklahoma State Regents for Higher Education.

COMPOSITION OF THE ACADEMIC INTEGRITY PANEL

4.01 Each college will have at least three faculty representatives (at least one should be a full member of the graduate faculty) and up to seven student representatives (5 undergraduate and 2 masters, doctoral, or professional students) on the Academic Integrity Panel. For each college, faculty representatives will be appointed by Faculty Council or by Graduate Council. The college

will nominate student representatives; these nominations will be approved by the Student Government Association for undergraduate students and the Graduate and Professional Student Government Association for graduate students. Each student representative should complete at least one semester at OSU in good academic standing before serving on the Panel.

4.02 All members of the Panel must complete training on academic integrity.

4.03 When a Hearing Panel is convened to hear an appeal, it will be composed of at least five members: a student chair, at least two student members and at least two faculty members. The chair will always be a student who has experience on the Academic Integrity Panel.

4.04 For appeals involving alleged violations of academic integrity by graduate students outside of class (e.g., comprehensive or qualifying examination, proposal, theses/dissertation defense), graduate students and graduate faculty will serve on the Academic Integrity Hearing Panel.

COMPOSITION OF THE ACADEMIC INTEGRITY APPEALS PANEL

5.01 For final appeals involving violations of academic integrity, three members of the Academic Integrity Panel who were not involved in the case will be selected to serve on the Appeals Panel. The Panel will be composed of one student chair, one student member and one faculty member.

ACADEMIC INTEGRITY GUIDELINES

6.01 Oklahoma State University's Academic Integrity policy identifies some behaviors that violate the fundamental values of academic integrity. These behaviors are described below:

- A. Unauthorized Collaboration: Completing an assignment or examination with other students, turning in work that is identical or very similar to others' work, or receiving help on assignments without permission of the instructor. This may also include excessively relying upon and borrowing the ideas and work of others in a group effort.
- B. Plagiarism: Presenting the written, published or creative work of another as the student's own work. Whenever the student uses wording, arguments, data, design, etc., belonging to someone else in a paper, report, oral presentation, or other assignment, the student must make this fact explicitly clear by correctly citing the appropriate references or sources. The student must fully indicate the extent to which any part or parts of the project are attributed to others. The student must also provide citations for paraphrased materials. The following are examples of plagiarism:
 1. Copying another student's assignment, computer program or examination with or without permission from the author.
 2. Copying another student's computer program and changing only minor items such as logic, variable names, or labels.

3. Copying or paraphrasing material from an Internet or written source without proper citation.
 4. Copying words and then changing them a little, even if the student gives the source.
 5. Verbatim copying without using quotation marks, even if the source is cited.
 6. Expressing in the student's own words someone else's ideas without giving proper credit.
- C. Multiple Submissions: Submitting substantial portions of the same academic work for credit to more than one class (or to the same class if the student repeats a course) without permission of the instructors.
- D. Cheating on Examinations: Gathering unauthorized information before or during an examination from others, using notes or other unapproved aids during an examination, failing to observe the rules governing the conduct of examinations (for example, continuing to work on an examination after time is called at the end of an examination), or having another student take an examination for the student.
- E. Fabricating Information: Making up references for a bibliography, falsifying laboratory or research data (for example, tampering with experimental data to obtain "desired" results or creating results for experiments that were not done), or using a false excuse for an absence or an extension on a due date.
- F. Helping Another Person Cheat: Providing information about an examination to another student (for example, sending an electronic message with answers during an examination), giving unauthorized help on assignments, or failing to prevent misuse of work by others (for example, allowing another student to copy an examination, assignment, or computer program). A student must take reasonable care that examination answers are not seen by others or that term papers or projects are not plagiarized or otherwise misused by others. This category also includes taking an examination on behalf of another student.
- G. Unauthorized Advance Access to Examinations: Obtaining an advance copy of an examination without the instructor's permission or getting questions and answers from someone who took the examination earlier.
- H. Altering or Destroying the Work of Others: Changing or damaging computer files, papers or other academic products that belong to others.
- I. Altering Academic Records: Altering graded papers, computer materials/records, course withdrawal slips, or academic documents. This includes forging an instructor or advisor signature and altering transcripts.

6.02 Instructors may identify other behaviors that violate academic integrity.

6.03 Students have the following rights during the Academic Integrity hearing:

- A. Written notification of the time and place of the appeal hearing. This notice will be sent to the student's University email address.
- B. A copy of the Academic Integrity Violation and Resolution forms.
- C. The right to appear in person and present his/her case. Either party may elect not to appear; in this instance, the hearing shall be held in his/her absence. Failure to appear must be noted without prejudice.
- D. The right to meet with the hearing panel at the same time, so no further allegations can be made against the student without the student's knowledge or against the instructor without the instructor's knowledge.
- E. The right to be accompanied by one person (colleague or friend); however, this person may not address the hearing panel.
- F. The right to call witnesses to assist in establishing facts of the case.
- G. The right to ask questions.
- H. The right to an explanation of the reasons for any decision rendered.
- I. The right to be free from retaliation by the instructor.
- J. The assurance that all personally identifiable information about alleged violations of academic integrity will be confidential under provisions of the Family Educational Rights and Privacy Act (FERPA) and will not be disclosed except as permitted by FERPA or with written permission of the student.

6.04 The Academic Integrity Panel determines if A) the student committed an act that violates academic integrity and B) the sanction is appropriate. The following guidelines have been developed for the Panel to use when examining an alleged academic integrity violation:

- A. The Panel will review the course syllabus statements about academic integrity.
- B. The Panel will determine if the instructor clearly communicated the parameters of the assignment to the students.
- C. If more than one student was involved in the alleged violation, the Panel will consider if the students were sanctioned fairly or if one student was singled out for arbitrary or discriminatory treatment.

- D. If the student has more than one alleged violation, the Panel will consider when the violations occurred.
- E. The Panel will not consider issues related to the quality of instruction or the academic soundness of the instructor's teaching methods.

PROCEDURES FOR DEGREE REVOCATION

7.01 Allegations of serious violations of academic integrity directed at graduates of Oklahoma State University should be made directly to the Dean of the Graduate College (for graduate students) or the Associate Vice President for Undergraduate Education (for undergraduate students), hereafter referred to as the Investigating Official.

7.02 The Investigating Official will review the allegations and make a preliminary determination regarding whether the allegation provides sufficient reason to warrant the formation of a Review Committee. He or she will consult with the Office of Legal Counsel to the Board of Regents prior to making a preliminary determination regarding the allegation.

7.03 The Review Committee will be composed of one Academic Integrity Facilitator, one faculty member appointed by the Investigating Official, and one faculty member appointed by the Dean of the graduate's academic college. Persons appointed to the Review Committee may not have a conflict of interest with the graduate, the person making the allegation, or any other person involved in the case.

7.04 The purpose of the Review Committee is to determine whether clear and convincing evidence of a serious violation of academic integrity supports a recommendation of revocation of the graduate's degree.

7.05 The Investigating Official, as soon as reasonably practicable, will notify the graduate in writing of the pending allegation against him or her, the possibility of revocation of his or her degree, the placement of a transcript hold, and the formation of a Review Committee to conduct an initial inquiry into the allegation. The written notice must include:

- A. The alleged violation of academic integrity committed by the graduate.
- B. The information supporting the allegation.
- C. The course grades that may be changed to "F!".
- D. The identities of the Review Committee members.
- E. The procedure to be followed by the Review Committee.
- F. The opportunity for appeal.

7.06 The graduate will respond to the allegations and submit factual reasons for any objections to the composition of the Review Committee within 20 school days of receipt of the written

notice. The graduate may request replacement of up to one member of the Review Committee for cause.

7.07 After the 20 school day period, the Review Committee will schedule a meeting with the graduate to discuss the alleged violation. Refer to the Academic Integrity Guidelines (6.03) for a complete list of the rights in the Academic Integrity procedures. The graduate may have legal counsel, at his or her own expense, present for advisory purposes only. Legal counsel may not question Committee members, make statements, or answer questions for persons called to appear before the Review Committee. The following actions may result from the meeting:

- A. The Review Committee and graduate agree that the alleged serious violation of academic integrity is not supported by clear and convincing evidence. No further action is needed and the graduate is held harmless against further allegations warranting degree revocation;
- B. The graduate admits responsibility for a serious violation and accepts the Review Committee's recommendation of degree revocation;
- C. The Review Committee recommends degree revocation. The graduate admits responsibility for the alleged violation but does not agree with the sanction. The case is referred to the Academic Integrity Panel;
- D. The Review Committee recommends degree revocation but the graduate denies responsibility for the alleged violation and does not agree with the sanction. The case is referred to the Academic Integrity Panel;
- E. The graduate fails to appear for the meeting with the Review Committee. If the Review Committee recommends degree revocation the case is referred to the Academic Integrity Panel.

The Review Committee will provide a written report of their findings to the graduate, the Academic Integrity Panel, and the Investigating Official. If degree revocation is recommended, the Review Committee will submit sufficient information to substantiate clear and convincing evidence of a serious violation of academic integrity and the recommended sanction of degree revocation.

7.08 If degree revocation is recommended the graduate will participate in a hearing with the Academic Integrity Panel unless he or she admits responsibility for a serious violation and accepts the Review Committee's recommendation. Refer to the Academic Integrity Guidelines (6.03) for a complete list of the rights in the Academic Integrity procedures. The graduate may have legal counsel, at his or her own expense, present for advisory purposes only. Legal counsel may not question Panel members, make statements, or answer questions for persons called to appear before the Academic Integrity Hearing Panel. The graduate will use the following procedures in filing an appeal:

- A. The graduate obtains and completes an appeal form that is available online or from the Office of Academic Affairs. The graduate should submit documentation to support his or her appeal.

- B. The graduate submits the appeal form to the Academic Integrity Coordinator within 20 school days after the graduate receives the written report from the Review Committee. The Coordinator, who can be contacted in the Office of Academic Affairs, will assign a consulting member of the Academic Integrity Panel to assist the graduate in understanding the appeals process, assemble the supporting documents, and present the case to the Academic Integrity Panel.

7.09 The Investigating Official will act as the proponent in presenting the alleged violation to the Academic Integrity Hearing Panel.

7.10 If the graduate does not respond within 20 school days or fails to appear for the hearing, the consulting member of the Academic Integrity Panel will act as respondent on behalf of the graduate before the Hearing Panel.

7.11 After the hearing, the Academic Integrity Hearing Panel will determine A) if the graduate committed an act that was a serious violation of academic integrity and B) if degree revocation is an appropriate sanction. The Panel will make one of the following decisions:

- A. The graduate is found not responsible for a serious violation of academic integrity;
- B. The graduate is found responsible for a serious violation and the sanction is appropriate. The Hearing Panel will recommend degree revocation to the Provost
- C. The graduate is found responsible for a serious violation but recommends a lesser sanction.

The Academic Integrity Coordinator will provide a written report of the Hearing Panel's findings to the graduate, Provost, and Investigating Official.

7.12 If the Hearing Panel recommends degree revocation the graduate will have 20 school days after receipt of the report of the Hearing Panel to submit a written request for a decision appeal before the Appeals Panel. The graduate will use the following procedures to file a decision appeal:

- A. The graduate obtains and completes a decision appeal form that is available online or from the Office of Academic Affairs. The burden of proof rests upon the graduate to establish his/her case with clear and convincing evidence;
- B. The appellant submits the final appeal form to the Academic Integrity Coordinator by the date specified on the report from the Chair of the Academic Integrity Hearing Panel. The Coordinator, who can be contacted in the Office of Academic Affairs gives the graduate notice of receipt of the appeal, notifies the Investigating Official, assembles the supporting documents, and transmits the case to the Appeals Panel.

7.13 The Appeals Panel reviews written materials and determines if the academic integrity procedure was followed or if additional information provided by the graduate warrants another

hearing in front of the Academic Integrity Panel. The Appeals Panel may take any of the following actions.

- A. The academic integrity procedure was not followed. The Appeals Panel may remand the case to the Academic Integrity Panel or recommend against degree revocation.
- B. The academic integrity procedure was followed. The Appeals Panel upholds the decision of the Academic Integrity Panel and recommends degree revocation.
- C. Additional information provided by the graduate does not warrant a new hearing. The Appeals Panel upholds the decision of the Academic Integrity Panel and recommends degree revocation.
- D. New information warrants another hearing in front of the Academic Integrity Panel.

The Chair of the Appeals Panel will provide a written report of the Panel's findings to the graduate, Provost and Investigating Official.

7.14 The Provost will review the written statements of the graduate and recommendations of the Review Committee, Academic Integrity Hearing Panel, and Appeals Panel. If the Provost supports the recommendation for degree revocation, he or she will submit a letter to the President with a copy to the graduate. If the Provost does not support the recommendation for degree revocation, the graduate will be notified in writing and the case will be considered closed with the graduate held harmless against further allegations warranting degree revocation.

7.15 The President will review the written statements of the graduate and recommendations of the Provost, Review Committee, Academic Integrity Hearing Panel, and Appeals Panel. If the President supports the recommendation for degree revocation, he or she will submit a letter to the OSU/A&M Board of Regents with a copy to the graduate. If the President does not support the recommendation for degree revocation, he or she will notify the graduate in writing and the case will be considered closed with the graduate held harmless against further allegations warranting degree revocation.

7.16 The OSU/A&M Board of Regents will review the recommendation of the President. If the OSU/A&M Board of Regents supports the recommendation for degree revocation, the President will submit a letter to the Oklahoma State Regents for Higher Education (OSRHE) with a copy to the graduate. If the OSU/A&M Board of Regents does not support the recommendation for degree revocation, the President will notify the graduate in writing and the case will be considered closed with the graduate held harmless against further allegations warranting degree revocation.

7.17 OSRHE will review the recommendation of the President and the OSU/A&M Board of Regents. The Chancellor will notify the President of the OSRHE decision. The President will provide a copy of the OSRHE decision to the graduate in writing. If the OSRHE does not support the recommendation for degree revocation, the President will notify the graduate in writing and the case will be considered closed with the graduate held harmless against further allegations warranting degree revocation.

7.18 If the degree revocation is approved by OSRHE, the Registrar will remove the degree designation from the transcript, assign F! grades for applicable courses, and send copies of the revised transcript to all individuals who have previously received official copies of the transcript. The Registrar will request that the graduate return the diploma. In cases of serious violations involving theses or dissertations, the Graduate Dean will remove the thesis or dissertation from the library and electronic copies will be recalled.

Approved:

E- Team, March 2015

Faculty Council, March 2016

Instruction Council, March 2016

Council of Deans, April 2016

Executive Team, May 2016

Unauthorized Collaboration: Completing an assignment or examination with other students, turning in work that is identical or very similar to others' work, or receiving help on assignments without permission of the instructor. This may also include excessively relying upon and borrowing the ideas and work of others in a group effort.

Plagiarism: Presenting the written, published or creative work of another as the student's own work. Whenever the student uses wording, arguments, data, design, etc., belonging to someone else in a paper, report, oral presentation, or other assignment, the student must make this fact explicitly clear by correctly citing the appropriate references or sources. The student must fully indicate the extent to which any part or parts of the project are attributed to others. The student must also provide citations for paraphrased materials. The following are examples of plagiarism:

- Copying another student's assignment, computer program or examination with or without permission from the author.
- Copying another student's computer program and changing only minor items such as logic, variable names, or labels.
- Copying or paraphrasing material from an Internet or written source without proper citation.
- Copying words and then changing them a little, even if the student gives the source.
- Verbatim copying without using quotation marks, even if the source is cited.
- Expressing in the student's own words someone else's ideas without giving proper credit.
- Turning in a paper obtained in part or in full from a "term papermill."

Multiple Submissions: Submitting substantial portions of the same academic work for credit to more than one class (or to the same class if the student repeats a course) without permission of the instructors.

Cheating on Examinations: Gathering unauthorized information before or during an examination from others, using notes or other unapproved aids during an examination, failing to observe the rules governing the conduct of examinations (for example, continuing to work on an examination after time is called at the end of an examination), or having another student to take an examination for the student.

Fabricating Information: Making up references for a bibliography, falsifying laboratory or research data (for example, tampering with experimental data to obtain "desired" results or creating results for experiments that were not done), or using a false excuse for an absence or an extension on a due date.

Helping Another Person Cheat: Providing information about an examination to another student (for example, sending an electronic message with answers during an examination), giving unauthorized help on assignments, or failing to prevent misuse of work by others (for example, allowing another student to copy an examination, assignment, or computer program). A student must take reasonable care that examination answers are not seen by others or that term papers or projects are not plagiarized or otherwise misused by others. This category also includes taking an examination on behalf of another student.

Unauthorized Advance Access to Examinations: Obtaining an advance copy of an examination without the instructor's permission or getting questions and answers from someone who took the examination earlier.

Altering or Destroying the Work of Others: Changing or damaging computer files, papers or other academic products that belong to others.

Fraudulently Altering Academic Records: Altering graded papers, computer materials/records, course withdrawal slips, or academic documents. This includes forging an instructor or adviser signature and altering transcripts.

Instructors may identify other behaviors that violate academic integrity.

Resources

Resources

Students

- [Top 10 Ways to Promote Academic Integrity](#)
- [Overview of Academic Integrity Policy](#)
- [Student Guidelines](#)
- [FAQ About Academic Integrity](#)
- [Common Academic Integrity Terms](#)
- [Student Tips for Academic Integrity Hearing](#)

Instructors

- [Notifying Student of Possible Violation](#)
- [Tips to Prevent Cheating](#)
- [Academic Integrity Handbook](#)
- [Academic Integrity Q&A](#)
- [Policy Overview](#)
- [Using Turnitin for Plagiarism Detection in Canvas](#)
- [Advanced Turnitin Options](#)
- [Understanding Turnitin Similarity Score](#)

Facilitators

- [Facilitator Checklist](#)
- [Procedures at a Glance](#)
- [Facilitator Training](#)
- [Panel Member Training](#)